

John B. Green
JOURNAL

OF

THE SENATE,

OF THE

STATE OF ALABAMA,

**BEGUN AND HELD AT THE TOWN OF TUSKALOOSA, ON THE THIRD
MONDAY IN NOVEMBER, 1826,**

BEING THE EIGHTH ANNUAL SESSION

OF THE

General Assembly of said State.

TUSKALOOSA:

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..
1827.

JOURNAL OF THE SENATE.

And House Journal

On the twentieth day of November, in the year of our Lord one thousand eight hundred and twenty-six, being the day fixed by law for the meeting of the General Assembly of the State of Alabama, at the Town of Tuscaloosa, the following members of the Senate appeared, and took their seats, to wit:

*From the Senatorial District composed of the counties }
of Mobile, Baldwin and Washington— }
Pike, Covington and Henry—William Irwin.
Monroe and Wilcox—Arthur P. Bagby.
Clarke and Marengo—~~James~~
Greene—Zachariah Merriwether.
Montgomery—James Abercrombie.
Dallas—Thomas Casey.
Bibb and Perry—Dunklin Sullivan.
Shelby and Autauga—
Blount and St. Clair—John Ashe.
Jefferson—John Brown.
Tuskaloosa—Leven Powell.
Pickens, Fayette, Marion and Walker—Jesse Vanhooze.
Morgan—Thomas D. Crabb.
Franklin—Theophilus Skinner.
Lawrence—~~U. A.~~
Lauderdale—James Jackson.
Limestone—Nicholas Davis.
Madison—~~J. White~~
Jackson—Robert M'Camy.
Conecuh and Butler—William Jones.*

On motion of Mr. Powell, Mr. Bagby was called to the chair, and Francis S. Lyon appointed secretary of the Senate *pro tempore*.

On motion, the Senate then proceeded to the election of a President, and the election being conducted according to the mode prescribed by the constitution, NICHOLAS DAVIS, of Limestone, was unanimously elected: whereupon Mr. Davis, being conducted to the president's seat by a committee appointed for that purpose, made his acknowledgments to the Senate, and entered upon the discharge of the duties of his office.

The Senate then, on motion of Mr. Powell, proceeded to the election of a Secretary, and the election being conducted *viva voce*, it appeared that Francis S. Lyon was unanimously elected, who, having been qualified, entered on the discharge of his duties.

The Senate then proceeded to the election of an assistant secretary, and the election being constitutionally conducted, it appeared that George W. Crabb was unanimously elected.

James A. Bates was then duly elected door-keeper of the Senate.

On motion of Mr. Casey, Resolved, That a message be sent to the House of Representatives, informing them that the Senate have assembled, and elected the Hon. Nicholas Davis of Limestone their President, Francis S. Lyon secretary, George W. Crabb assistant secretary, and James A. Bates door-keeper, and are ready to proceed to business.

On motion of Mr. Casey, Resolved, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may think proper to make: Whereupon Messrs. Casey and Bagby were appointed a committee on the part of the Senate.

Ordered, That the House of Representatives be informed thereof.

On motion of Mr. Jackson, Resolved, That the rules of order and decorum heretofore adopted for the government of the Senate, be in force until altered or amended.

On motion of Mr. Casey, Resolved, that a committee be appointed on the part of the Senate, to act with a committee on the part of the House of Representatives, to contract for stationary and fuel for the use of the General Assembly, during the present session. Whereupon Messrs. Casey, Powell and Sullivan were appointed the committee on the part of the Senate.

On motion of Mr. Powell, *Resolved*, That the following Standing Committees be appointed:—A committee of Propositions and Grievances; a joint committee on Enrolled Bills; a committee on Inland Navigation; a Judiciary committee; a Military committee; a committee on Roads, Bridges and Ferries; a committee on County Boundaries; a committee on Schools and Colleges, and School and College lands; a committee of Divorce and Alimony; a committee on Accounts and Claims; and, a committee on the State Bank.

And then the Senate adjourned till to-morrow morning at 10 o'clock.
Tuesday, November 21st, 1826.

The Senate met pursuant to adjournment.

Mr. Miller, a Senator from the county of Madison, and Mr. Clay, from the county of Lawrence, appeared and took their seats.

Mr. Jackson presented the petition of the Florence Light Infantry Company, praying to be allowed the use of fifty stand of the public arms; which was read, and referred to the military committee.

A message from the House of Representatives, by Messrs. M'Vay, Benson and Terry, members thereof. Mr. President, the House of Representatives have adopted the following resolution: *Resolved*, That a committee of three members be appointed to wait on the Senate, and inform them that the representative branch of the legislature is organized; that they have elected the Hon. Samuel W. Oliver their Speaker, Thomas B. Tunstall principal clerk, James Brown door keeper, Jefferson C. Vandyke assistant clerk, William B. McClellan engrossing clerk, and are ready to proceed to business.

Mr. Miller presented the petition of the owner of a slave named John Robinson, and of sundry persons in behalf of the said John, praying his emancipation; which was read.

Ordered, That the petition, and documents relating thereto, be referred to the committee on propositions and grievances.

A message from the House of Representatives by Mr. Tunstall, their clerk. Mr. President: the House of Representatives have adopted the following resolution: *Resolved*, That a committee of two persons be appointed, on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may please to make. They have appointed, on their part, Messrs. Williams and Weissenger. They concur in the resolution of your honorable body, appointing a committee to contract for stationary and fuel, for the use of the General Assembly, during the present session, and have appointed, on their part, Messrs. Perkins and Ellis.

They have adopted the following resolution, in which they desire your concurrence: *Resolved*, that this House, with the concurrence of the Senate, will, on Thursday the 23d instant, at the hour of 3 o'clock P. M. proceed to elect a Senator to the Congress of the United States, to fill the vacancy of the Hon. Henry Chambers, and at which time the Senate are invited to attend in the Representative Hall.

Ordered, that the resolution, relating to the election of a Senator to the Congress of the United States, lie on the table.

Mr. Casey, from the joint committee appointed to wait on the Governor, and inform him of the organization of the two Houses, and of their readiness to receive any communication he might think proper to make, Reported. That the committee had performed the duty assigned them, and received for answer from the Governor, that he would make a communication in writing to the two Houses this day, at the hour of 12 o'clock.

A communication in writing was received from the Governor, by James I. Thornton, Esq. Secretary of State; which was read, and is as follows:—

To the Hon. the Senate and the House of Representatives:—

FELLOW CITIZENS.—The revolution of another year has again assembled the public authorities of the State, to whom is confided the legislative superintendence of our common affairs.

We owe to the munificent kindness of Divine Providence, that the circumstances under which we meet, both public and private, admit the exchange of our sincere and happy congratulations.

The blessings of Heaven first claim our grateful and most devout acknowledgments.

During the past season, although we have not been exempt from disease, in particular places, we have no where suffered its most violent and fatal influences. Neither famine, pestilence, or the sword, are permitted to ravage our land. We enjoy the bounty of the seasons, the rich fruits of the earth, domestic comfort, and public harmony. The drought which prevailed in many places in this state, in common with our sister states adjacent, has indeed lessened our agricultural prospects, but has not deprived us of the essential resource of bread. If we have not abundance, we are blessed with plenty, and should the benignant Dispenser of all good gifts see proper only to give us food and raiment, we ought to learn with pious submission to be therewith content. There is also cause of gratitude and felicitation, in the progressive influence, among us, of good principles, both civil and moral.

There is good evidence that the administration of the laws, by an enlightened and faithful judiciary, will realize, in general, the beneficial objects for which

they were designed. It is not perceived that our system contains many prominent or glaring defects; and the amelioration of which the laws may still be susceptible, both in their precision and their force, will be the object of your constant solicitude. In the discharge of this duty, it will not escape notice, that it is expedient to test the operation of particular institutes, by experience of sufficient duration. In the multifarious concerns of society, and the legal provisions proposed to regulate and direct them, the most careful reasonings frequently need the confirmation of fair and decisive experiment. Hence the confusion and evil of too frequent legislation on the same subject, in which little more can be done than to substitute one theory for another; and, by continual change, to render uncertain the results of experience, or to make dubious the comparative usefulness of variant laws. It is of the utmost consequence, that the laws for the preservation of peace and good order should be faithfully executed. The prosecuting officers engaged in this service, should possess ability, and zeal, and high character, to adorn a station connected with so much usefulness and responsibility.

I beg leave to submit to your wisdom, whether the present compensation affords a full reward for the duties they are required to perform, or whether it be commensurate with the dignity and public importance of their office. The period may now also have arrived, when the justice of the country might be better administered, by the establishment of a separate Court of Chancery.

The subject of Education commends itself to our most devoted attention, enjoined as it is by the commanding precepts of the Constitution, involved in the preservation of our happy form of government, and indispensable in every system for the promotion of social or moral happiness. No people can rise to the highest standard of moral and civil refinement, without the enlarging and correcting effects of suitable education. Every consideration urges the propriety of enlightening the minds, and improving the morals, of the whole body of the people. In the judicious prosecution of this work, no pains can be misapplied, no treasure mis-spent, and no solicitude pass unrewarded. It is as necessary to our moral and civil condition, as the vital circulation to the animal system. The liberal policy of the General Government has provided for us a munificent resource, for the establishment of an Institution to perfect the education commenced at the primary seminaries. The most judicious application should be made of the fund thus committed to us for the establishment of a State University, providing, by a safe and just economy, for the greatest effect which such an amount can be made to produce. So far the fund has not passed without improvement; a part of it has been converted into available capital, and still more is in progress to be received. It will be for your wisdom to determine whether the moment may not have arrived, when efficient operations ought to be commenced, the institution to be located, and preparations made for the erection of the edifices.—Great profit and convenience may result from a well matured plan of operations. We ought to contemplate a grand consummation, which would require several years for its safe and convenient accomplishment. But this subject is too extensive for the present communication. The sooner we commence, the sooner, I trust, will our labors eventuate in the establishment of a full and perfect University. It will be for your wisdom also to devise means of encouragement for primary seminaries. There must be nurseries to supply the literary vineyard; and, indeed, much of the instruction of the country will terminate, at all periods, in these nurseries of science. In this view, they become every way important. I feel assured that none of these subjects will escape your careful deliberation.

The means necessary for the defence of the state will always engage the attention of the representatives of a people who have confided their safety to the mass of the population armed and disciplined. It is obviously essential, under such a system, that arms should be provided, and the attainment of discipline secured. Such is the present situation and habits of our people, that we are in less danger

of not having arms, in any emergency, than of failing to have the discipline which alone can give efficiency to arms. It may be well worthy of your reflection, whether the care of the state ought not to extend farther than merely to require an imperfect organization. Whether the means of virtuous excitement should not be employed, facilities afforded, and the countenance and patronage of the state made to be distinctly perceived in this important branch of our policy. The distribution of colors, or standards, to each militia company or regiment, would no doubt have a beneficial tendency. This measure, indeed, would coincide with the most natural expectation. If the state requires its citizens to assume the character, and discharge the duties, of soldiers, shall they not be furnished with standards under which to assemble? The distribution, among the officers, of the militia laws, which you have already directed, the rules and articles of war, and, connected with the whole, a plain and simple directory to perform the most necessary elementary evolutions, would be attended with great advantage. Perhaps the small progress which the militia make in military knowledge every where, is principally owing to the circumstance, that the officers commanding them are not expert in their duty, and are therefore averse, before their friends and neighbors, to make blunders in teaching to others what they do not themselves perfectly understand. Hence very little is attempted to be taught, and still less acquired. It will be worthy of your consideration, whether it be not expedient to provide for instructing the officers, whose duty it is to impart instruction to others. A school of instruction, itinerant from one division or brigade to another, throughout the state, might be connected with the office of Adjutant General, and the active service and dignity thus attached to the office, might prove highly beneficial in other respects. If it be necessary to discipline the militia at all, before the crisis demanding their services shall have arrived, some radical improvement of the present system will probably be found expedient. There is danger that a long season of peace and freedom from alarm may produce supineness and security, which ourselves or our posterity may have cause to lament. There are circumstances peculiar in our situation, and those of the states around us, which may require more than ordinary caution. The approaches of danger, however future, should inspire early and corresponding preparation. The opinion seems to be too readily received, that the militia are incapable of efficient discipline, unless in actual service. It is to be hoped that this opinion is not correct, otherwise our system must end in standing armies, ever dangerous to liberty. When we see so many of our citizens, animated by a laudable spirit of perseverance, under many discouragements, engage in the useful pursuit of preparing their country for defence, what may not be expected under the facilities afforded by public instruction, and the approving eye of public patronage? We ought not only to preserve, but to incite, among our citizens the moral sentiment, that they all are, and ought to be, soldiers in their country's defence. Your resolution of the last session, which authorized a Digest of the Militia and Patrol Laws, I regret to state, has not been carried into complete effect.

General Farrar was employed to make the compilation, and discharged the duty with alacrity and promptitude; but difficulties were found in having the printing executed, which occasioned delays to so late a period of the year that it was deemed more expedient to defer the work until after your present session. A fair copy of the Digest, with the report of the Digester, will be submitted to your inspection; and such amendments as you may please to make can be readily incorporated.

The improvement of the navigation of the State involves interests of great magnitude, and should be attended to, according to the importance of the several objects, and our ability for their accomplishment. You are constituted the guardians of the resources of the State, and can best judge what direction shall be given them for the common advantage. It would appear that two grand projects

of improvement present themselves to our notice; the opening of the Muscle Shoals, so as to admit the more convenient transportation of a large portion of our produce to New-Orleans, and the cutting a canal, so as to convey, as our interest may direct, the same produce to the waters of Mobile Bay. To judge perfectly of these projects, an accurate and scientific examination should be made, so that the benefits to be secured, and the difficulties to be encountered, might be compared and justly estimated.

It is understood the Tennessee admits of good steam navigation, from the upper end of the Shoals to the mouth of the Hiwassee, with only two or three obstructions, easily overcome. The Hiwassee may be connected with the waters of the Coosa, by a short canal, or perhaps a canal might be opened from the Hiwassee to Fort Jackson, at the head of steam navigation on the Alabama. This canal, if practicable at an expense which the probable benefits would justify, would have the merit of drawing nearly all our produce to our own emporium, or at least to give a choice of the market. The produce of a considerable portion of the neighboring states might also flow in the same channel, and give the opportunity of very favorable exchanges to a large portion of our citizens. An access will also be given to a market less liable to be overstocked than the great emporium of the Valley of the Mississippi.

The political effect which would be produced, by the frequent and intimate association of our citizens at one common mart, thus rendering sensible the identity of interest, will not escape the notice of your honorable body. We may prove as fortunate as any of the states, in having almost all our produce sold in our own markets. This subject, in all its various and important bearings, I feel assured will receive your attentive consideration; and I beg leave to recommend that an appropriation be made, to defray the expenses of a suitable examination of these, or such other improvements, as you, in your wisdom, may direct. The main energies of the state should be employed in opening new sources of communication, or in removing great and difficult obstructions in the natural channels. The minor streams, and indeed the larger rivers, where nothing more than ordinary obstructions intervene, might be operated upon as roads and highways are. At low stages of the water, much might be done, and in a way perhaps less severely felt, than by making appropriations which ultimately devolve on ourselves to pay. It is only the exchange of labor for money. Inventions, to operate with the greatest effect, should be provided by the care, and from the resources, of the state. The more difficult obstructions, in the minor streams, might also be removed by the employment of skill, which the state only could command with suitable facility. The superintendents of these minor works might be appointed by the General Assembly, or by the people themselves at the annual elections. I would also recommend the policy of sparing the three per cent fund, appropriated to the improvement of roads and navigation, until it may accumulate to the production of an annual interest of ten thousand dollars. This annual sum, devoted to these special objects, and not liable to the difficulties which usually embarrass ordinary appropriations, however obvious in their beneficial tendency, would eventuate in results which even sanguine expectation might fail to calculate.

Connected with navigation, is the great agricultural interest, which navigation is primarily designed to subserve. It may admit of doubt, whether in any of the States, this subject has received that regular and systematic attention, by the public authorities, which its great importance demands. This is the source, the principal fountain of all our prosperity. Individual intelligence and enterprise, where so many are engaged in the same pursuit; the ardor inspired by interest, the sagacity acquired by continual experience, are surely good sources of reliance, but they may not be exclusively sufficient, for the perfection of this essential and primary branch of industry. Something even here may be done by the forecast and care, and fostering patronage of the public authorities; and certain-

ly none of their functions can have a higher or more beneficial aim. Such are the changes wrought by human industry, and such the constant tendency to occupy too much some branch of agricultural labor, for the present more profitable than others, that no sure reliance can be placed, for a great length of time, on any single staple commodity. New sources of contingent and profitable labor ought to be constantly devised, and held in reserve, that the community may be protected against the consequences of any fluctuation in the principal productions. Those climates admitting of a great variety of productions, have advantages over others, which ought not to pass unimproved. The soil and climate of this state, in this respect, furnish very great resources. It is only necessary to be fully acquainted with them, and prepared to bring them into operation, in order to be but little affected by the changes, which may be produced by the industry of other countries in our particular pursuits. It might be useful to have this subject regularly given in charge to a standing committee, to recommend the formation of Agricultural Societies, in the several counties or larger subdivisions of the State; to invite these Societies to communicate with the standing committees for public information, and to obtain at the public expense, such seeds and plants as may be less open to the enterprise and research of individual agriculturists. The impulse thus publicly given, will not be lost on a population, active, enterprising, and studious of their interests. The multiplication of our productions cannot prove otherwise than a source of necessary and beneficial caution.

In bringing to your view the state of public affairs, it becomes my duty to mention, that a Corporation, styled the St. Stephens' Steam Boat Company, have assumed the exercise of Banking privileges in the city of Mobile. Early in the present year, I was about to direct the Solicitor of the First Judicial Circuit to file an information in the nature of a quo-warranto against the Corporation, that the question of their privileges might be judicially determined. Having understood, however, from the President and Directors, gentlemen of high standing and intelligence, that operations would be suspended until your present session, I was unwilling to involve them or the state in any unnecessary expense. It was intimated, at the same time, that it was their intention to apply for certain amendments of their charter. Should this application be made, the subject will thus be brought fully before you, and I shall be glad to receive any instruction which the General Assembly may think necessary to give.

The Bank of the United States proposes to establish an Office or Branch, in this State, to be located in the city of Mobile. When it was understood that such a purpose was cherished by the Bank of the United States, our delegation in Congress, with that vigilance and devotion which have marked their public service, submitted a remonstrance against the measure. At a later period, a correspondence on the same subject was opened by the Executive Department, copies of which are herewith laid before you. The framers of our constitution admonished by the events which had passed before them, deemed it necessary to provide for the circulation of a sound currency, by giving the management of it to those who were principally interested in its soundness. They authorized the establishment of a "General State Bank," which must be, and has always been, considered exclusive in its nature, and prescribed rules essential to its organization. The establishment of a State Bank was thus made a part of our municipal policy, under the injunctions of the constitution; and it becomes the duty of the public authorities to provide for the security of its operations. It will be for your wisdom to devise, how the State Institution, placed by the constitution under your protection, will be able to engage in a successful struggle with the Bank of the United States, should interest, or hostility, arising from views of interest, induce the attempt to embarrass its proceedings. Our situation is deemed every way unfavorable for such a contest. A transient and factitious state of things, arising out of our land purchasing relations with the United States, and

altogether distinct from the usual and regular transactions of commerce, will make it difficult for the Bank to sustain its operations. should it extend accommodation to the people when they most need it, to purchase a domiciliary refuge for their families. It will remain with your honorable body to provide a remedy in every contingency. It could not be otherwise than humiliating, that a policy enjoined by the constitution, cherished and consummated by the public authorities, entering into the vital stamina of our municipal organization, should be reduced to the condition of a precarious and permissive existence. In the State Bank we have contemplated a resource against depreciated and deficient currency, as well as a depository for the improvement of all our public funds; and, in short, when this subject is viewed in all the lights which distinguish it, it cannot appear less, in effect, than an invasion of our sovereignty, an interference with arrangements made for the common benefit and security, for the Bank of the United States to establish an office here, should it be contrary to the wishes of the State. I beg leave to submit this subject to your early and better consideration.

In pursuance of your resolution of the last session, the Honorable Arthur P. Bagby and Major Charles Lewis were appointed commissioners on the part of this state, to co operate with commissioners of the state of Georgia, to run the line dividing the two states. The joint commissioners could not agree in their construction of the "articles of agreement and cession," and no line has been run by the co operation of both parties. The report of the commissioners, which will be submitted without delay, will place this subject fully before you. The indisposition of one of the commissioners, at the commencement of operations, rendered it necessary to make a provisional appointment, to fill the vacancy, should the indisposition still continue. Judge Kelly permitted me to avail myself of his contingent services, which eventually proved unnecessary. It was thought expedient to procure an accurate survey of the Chatahoochee, from the Great Bend to Miller's Bend, or the Flat Shoals, that the matter in controversy between the commissioners might be distinctly perceived. Major Lewis was employed to attend to this service, and his report and survey are herewith transmitted. As this subject has engaged the attention of both the states, and as the adjustment of the boundary is desirable, you will in your wisdom direct what course will now be given to it.

Major John D. Terrell and Col Marmaduke Williams were appointed commissioners to settle the accounts between this State and the State of Mississippi. It was insisted, on the part of the state of Mississippi, that the amount of default which had taken place within the limits of the Territory of Alabama, during the continuance of the common government of the Mississippi Territory, should be deducted exclusively from the account of the state of Alabama. The commissioners on the part of this state regarded all such losses as common to both parties; and this remained as a cause of disagreement. The report of the commissioners, which will be transmitted, will give every view of this question.

It gives me great pleasure to announce the improvement of the Salt Springs, which it is hoped will prove a great convenience to the people, even during a season of peace, and prove an essential resource in time of war. The skill, intelligence and perseverance of Mr. Seth Hunt, are highly honorable to himself, and useful to the country. Many difficulties have been surmounted, requiring patience, steadiness of purpose, and happy expedients, which few men could command. I beg leave to submit a statement of the salt houses, store houses, well, cisterns, aqueduct, &c, which have been effected at very considerable expense. I beg leave also to recommend that those engaged in the works be exempted from militia duty. The stopping of the works for a single day proves a considerable loss to the lessees, and an injury to the works.

A communication has been received from the citizens of West Florida, which I beg leave to lay before you. They express a desire that West Florida should

be annexed to the State of Alabama. The early attention of the framers of the constitution, to the contingencies which might lead to this connection, shews the light of policy in which it was then regarded. It would seem to be alike favorable to West Florida, this State, and the Union. It is desirable to this state that so large a portion of the sea coast, covering more than half her frontier, should be well defended; and to the United States, that so much of the maritime frontier should be committed into the hands of those who will be able, and interested, in giving the most active co-operation of defence. Our frontier must continue exposed, while it is covered by a weak and detached portion of a neighbouring state, or territory. If the country of Florida is likely to continue a Territory, there is no reason why the annexation should not take place; and should it become a State, this portion, important to us only, must always be weak, and wanting in intimate connection with the rest.

The most judicious system, for the disposal of the public lands, has engaged the attention of the Congress of the United States. As frequently happens in new and untried cases, neither the United States, nor the purchasers of lands, nor emigrants with intention to purchase, distinctly understood the remote operations of former systems, injurious to the one, while it was not profitable to the other. The difficulty now would seem to result, not from the want of inclination to amend, but in devising the methods of amendment. Your investigations might end in suggestions, which would prove equally beneficial to the United States, and our own. We shall always be superior to the meanness of mendicant petitions, or the impertunity of sordid and unreasonable self interest; but it is our duty to advance the claims of sound policy and justice.

A due respect for the resolutions of our fellow citizens, which I have the honor herewith to transmit you, induces me to bring to your view the late Creek Treaty, by which the Treaty of the Indian Springs has been superceded. We had acquired ostensible interests, as a third party, which have not been regularly set aside. A mere substitution of one treaty for another, cannot compromit the rights of third parties, however valid as to the contracting powers. To obviate such claims, a regular examination of the validity of the first treaty was indispensable. Such an examination, ex parte, even if such examination were alledged to have taken place, would not be sufficient. It would seem, in theory, that the question of the validity of a treaty, involving interests which had passed from the contracting parties to others, ought not to be determined, as to those interests, by the powers who had made it. But this is done in the case before us. It would be far from us to increase the embarrassments unavoidably incident to the vast and various concerns of the general government; but if any thing has been done irregularly; if our rights as a State have been informally passed upon, we owe to ourselves, as well as the Union, to take a temperate notice of it. It is not the intention to speak to the merits of what has been done, for the necessary evidence has never come before us, but merely to the mode of doing it. It will be for your wisdom to determine, if any, and what, representation ought to be made, or silently to acquiesce in it.

The vacancy occasioned by the lamented death of the Hon. Henry Chambers, was filled by the appointment of the Hon. Israel Pickens, whose term of service will expire at the close of your present session. The following officers were appointed Judges of the Courts of their respective counties during the recess of the General Assembly:—P. T. Harris, of Washington county, vice Wm. D. Gaines, deceased. Asa Hammond, of Monroe, vice Wm. B. Patton, resigned. Thomas F. Moody, of Greene, vice William Murphy, resigned. William S. Compton, of Jackson county, vice Samuel B. Moore, resigned. Benjamin Williamson, of Wilcox county, vice Edwin L. Harris, removed. John Elliott was appointed Solicitor of the First Judicial Circuit, vice Thomas Murray, deceased.

The occurrence of the death of the Ex-Presidents of the United States, John Adams and Thomas Jefferson, names consecrated in the affections of the Ame-

rican people, and embalmed in the records of liberty and political science, claiming the public tribute which is due. This event, marked by the most singular coincidences, has moved the sentiments of regret and reverence, in the hearts of ten millions of their fellow citizens. Our own citizens, in some places, have added public demonstrations, to the private feelings of the heart. The public authorities will determine, what becoming ceremonial will here attend the departure of the venerated and illustrious dead.

This communication, not free from the charge of prolixity, which would have been gladly avoided, and liable to the still more serious objection of manifold imperfections, will be received in the spirit which dictates it, an ardent desire for the promotion of our various and important interests. A most liberal, elevated, and harmonious spirit should animate us in all our public deliberations. We should seek to draw from the pure fountains of political justice and equity. To the minute care of particular and local arrangements, should be added the enlarged wisdom which contemplates the general prosperity. Where the interest of the whole is embraced, facilities must be afforded for the promotion of those special and detached benefits which must exist in any society which admits distance of place and peculiarity of situation. The place you occupy is full of honor, duty, and responsibility. It is no small thing, to guide the various concerns of a free, active, and extended community; to close the avenues of evil, and to open all the channels of political happiness. May the favor of Heaven attend you in this arduous labor.

I am, gentlemen, respectfully, your obedient servant,

Nov. 21, 1826.

JOHN MURPHY.

Ordered, That the communication lie on the table, and that five hundred copies thereof be printed for the use of the Senate.

And then the Senate adjourned till to-morrow morning at 10 o'clock.
Wednesday, 22d November, 1826.

The Senate met pursuant to adjournment.

In pursuance of an order of the Senate, Mr. President reported the following standing committees :

A committee of propositions and grievances—to consist of Messrs. Gaines, Miller, Jones, Merriwether and M'Camy.

A joint committee on enrolled bills—to consist of Messrs. Powell, Barton and Merriwether.

A committee on inland navigation—to consist of Messrs. Clay, Miller, Vanhoose, Gaines and Crabb.

A judiciary committee—to consist of Messrs. Bagby, Barton, Powell, Sullivan and Jackson.

A military committee—to consist of Messrs. Crabb, Irwin, Abercrombie, Vanhoose and Skinner.

A committee on roads, bridges and ferries—to consist of Messrs. Casey, Ashe, Jones, Skinner and Clay.

A committee on county boundaries—to consist of Messrs. Abercrombie, Irwin, M'Camy, Vanhoose and Brown.

A committee on schools and colleges, and school and college lands—to consist of Messrs. Barton, Casey, Sullivan, Jackson and Bagby.

A committee on accounts and claims—to consist of Messrs. Brown, Clay, Powell, Merriwether and M'Camy.

A committee on the State Bank—to consist of Messrs. Jackson, Casey, Bagby, Powell and Gaines: and

A committee of divorce and alimony—to consist of Messrs. Sullivan, Barton, Merriwether, Jones and Irwin.

Mr. Casey presented the petition of sundry persons, relating to the improvement of the navigation of the Cahawba river, and praying the incorporation of a company for that purpose ; which was read, and ordered to lie on the table.

Mr. Brown presented the petition of John Smith, praying the passage of a law, authorizing him to emancipate a slave ; which was read, and referred to a special committee, consisting of Messrs. Brown, Miller and Abercrombie.

Mr. Casey presented the return of the Quarter Master General, shewing the strength and condition of the militia of this state ; which was referred to the military committee.

Mr. Casey offered the following resolution : *Resolved*, That a committee be appointed to examine and report what alterations or amendments, if any, are necessary in the rules for the government of the Senate ; which was adopted : whereupon Messrs. Casey, Bagby and Crabb were appointed the committee.

Mr. Brown presented the petition of sundry inhabitants of Walker county, relating to the location of the permanent seat of justice of said county ; which was read, and referred to the committee on county boundaries.

Mr. Jones offered the following resolution : *Resolved*, that the Secretary of State communicate to the Senate such bonds and papers as may be deposited in his office, for securing the titles, in fee simple, to such town lots in Tuscaloosa as have been made a donation to the State ; and also, further, to give such other papers and deeds relative thereto as may remain in his possession ; which was adopted.

Mr. Vanhoose offered the following resolution :

Resolved, That this House, with the concurrence of the House of Representatives, will proceed to the election of a Public Printer, at the hour of 3 o'clock, this afternoon ; which was adopted.

Ordered, That the resolution be conveyed to the House of Representatives for their concurrence.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, 23d November, 1826.

The Senate met pursuant to adjournment.

Mr. Barton, a Senator from the district composed of the counties of Mobile, Baldwin and Washington, elected to supply the vacancy occasioned by the resignation of the Hon. William Crawford, appeared, produced his credentials, was qualified, and took his seat.

Mr. Irwin presented the petition of sundry inhabitants of Dale county, protesting against being annexed to Henry county, and praying the establishment of Circuit Courts in the said county of Dale ; which was read, and referred to a special committee, consisting of Messrs. Irwin, Abercrombie and Jones.

Mr. Bagby presented the petition of Willy Harris, of Marengo county, praying the passage of a law authorizing her to set free, by last will and testament, two slaves ; which was read, and referred to a special committee, consisting of Messrs. Bagby, Barton and Abercrombie.

Mr. Miller offered the following resolution :

Resolved, That the judiciary committee be instructed to inquire into the expediency of so explaining and altering the 20th section of the Revenue law, passed Dec. 17th, 1821, as to compel the assessors and tax

collectors to receive jurors' tickets, and orders made by the county courts, on the County Treasurers, so far as the amount of the county revenue may extend; which was adopted.

Mr. President laid before the Senate a communication from the Secretary of State, made in obedience to a resolution of the Senate of the 22d instant, submitting all the bonds and papers which were deposited in his office, for securing the titles in fee simple to such town lots in Tuscaloosa as have been made a donation to the state.

On motion of Mr. Jones, *Ordered*, That the communication, together with the accompanying documents, be referred to the judiciary committee, with instructions to have the right to said lots legally conveyed to the state.

A message from the House of Representatives by Mr. Tunstall, their clerk. Mr. President: the House of Representatives have adopted the following resolution, in which they desire your concurrence: Resolved, with the concurrence of the Senate, that the General Assembly, on Saturday next, at 3 o'clock P. M. do proceed to the election of a Secretary of State, Treasurer and Comptroller.

Mr. Jackson moved to amend the resolution by adding thereto the words "and also a State Printer;" which was carried.—The resolution as amended was then agreed to. *Ordered*, that the secretary inform the House of Representatives thereof.

Mr. M'Camy offered the following resolution: Resolved, that the judiciary committee be instructed to inquire into the expediency of amending, and making more plain, the administration laws of this state, with leave to report by bill or otherwise; which was adopted.

On motion of Mr. M'Camy, the Governor's message was taken up. The Senate, on motion, resolved itself into a committee of the whole on said message, Mr. Casey in the chair; and, after some time spent in the consideration thereof, the committee rose—Mr. President resumed the chair, and Mr. Casey reported the following resolutions:

1. Resolved, That so much of the message of the Governor as relates to the judiciary, be referred to the standing committee on that subject.

2. Resolved, That so much of the Governor's message as relates to the subject of education, and the university, be referred to the committee on schools and colleges, and school and college lands.

3. Resolved, That so much of the Governor's message as relates to the militia, and the digest of the militia laws, be referred to the military committee.

4. Resolved, That so much of the Governor's message as relates to the improvement of the navigation of the state, be referred to the committee on inland navigation.

5. Resolved, That so much of the Governor's message as relates to the agricultural interests of the state, be referred to a special committee.

6. Resolved, That so much of the Governor's message as relates to the corporation styled the St. Stephens Steam Boat Company, exercising banking privileges in the city of Mobile, be referred to the committee on the judiciary.

7. Resolved, That so much of the Governor's message as relates to the establishment of a Branch of the Bank of the United States in the city of Mobile, together with the accompanying documents relating thereto, be referred to the committee on the judiciary.

8. Resolved, That so much of the Governor's message as relates to the boundary line between this state and the state of Georgia, together with the documents relating thereto, be referred to a special committee.

9. Resolved, That so much of the message as relates to the unsettled accounts between this state and Mississippi, be referred to a special committee.

10. Resolved, That so much of the message as relates to the Salt Springs, together with the documents relating to that subject, be referred to a special committee.

11. Resolved, That so much of the message, and accompanying documents, as relates to the subject of the annexation of West Florida to this state, be referred to a select committee.

12. Resolved, That so much of the message as relates to the system for the disposal of the public lands, be referred to a special committee.

13. Resolved, That so much of the message as relates to the late Creek treaty, by which the treaty of the Indian Springs has been superseded, be referred to the committee on the judiciary.

14. Resolved, That so much of the message as relates to the death of the Ex-Presidents of the United States, John Adams and Thomas Jefferson, be referred to a special committee. All of which were severally read and adopted.

Agreeably to the fifth resolution, Mr. President appointed a select committee, to consist of Messrs. Powell, Jackson and Gaines.

Agreeably to the eighth resolution, the President appointed a special committee, to consist of Messrs. Barton, Bagby and Abercrombie.

Agreeably to the 9th resolution, the President appointed a special committee, to consist of Messrs. Powell, Casey and Brown.

Agreeably to the 10th resolution, the President appointed a special committee, to consist of Messrs. Jackson, Barton and Merriwether.

Agreeably to the 11th resolution, the President appointed a special committee, to consist of Messrs. Powell, Crabb and Casey.

Agreeably to the 12th resolution, the President appointed a special committee, to consist of Messrs. Barton, Jackson and Miller.

Agreeably to the 14th resolution, the President appointed a special committee, to consist of Messrs. Bagby, Barton and Clay.

Mr. Powell offered the following resolution: Resolved, that the Editors of the different public journals, published in Tuscaloosa, be authorized to come within the bar of the Senate, for the purpose of making extracts from the proceedings of the Senate for publication; which was adopted.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, November 24th, 1826.

The Senate met pursuant to adjournment.

Mr. Bagby, from the special committee to whom was referred the petition of Willy Harris, reported a bill to be entitled an act to authorize Willy Harris to emancipate certain slaves therein named; which was read, and ordered to be read the second time to-morrow.

Mr. Brown introduced a bill to be entitled an act to change the time of holding the county courts in the county of Jefferson; which was read, and ordered to be read the second time to-morrow.

Mr. Barton presented the petition of Auguste Lacoste, praying the passage of a law, authorizing him to emancipate certain slaves therein

named; which, together with sundry documents relating thereto, was referred to a special committee: Whereupon, Messrs. Barton, McCamy and Bagby were appointed the committee.

Mr. Barton also presented the petition of Margarette Mitchell, and of sundry persons of the city of Mobile, praying the passage of a law authorizing the emancipation of a slave named Philip; which was read, and referred to a special committee, consisting of Messrs. Barton, McCamy and Bagby.

Mr. Jones introduced a bill, to be entitled an act to secure to the counties of Conecuh and Butler the right of electing assessors and tax collectors by the suffrages of the legal electors of said counties; which was read, and ordered to be read the second time to-morrow.

Mr. McCamy offered the following resolution: Resolved, That the committee on the State Bank be instructed to inquire into the propriety of establishing an office of discount and deposit of the State Bank at Huntsville, with leave to report by bill or otherwise; which was adopted.

A message from the House of Representatives by Mr. Tenstell. Mr. President, the House of Representatives have read three times and passed a bill which originated in their House, entitled an act to amend "an act to provide for the printing of the laws and journals, and for other purposes," passed 25th Dec. 1822, so far as relates to the manner of electing the state printer, and also to repeal the second section of an act amendatory of the above recited act, approved Dec. 17th, 1823. In which they desire your concurrence.

The bill from the House of Representatives mentioned above, was read, and, on motion, the rule requiring bills to be read on three several days, was dispensed with, and it was read the second time. Mr. Casey moved that the farther consideration of the bill be indefinitely postponed; which was carried.

The following communication was received from the Governor, by Mr. Thornton, Secretary of State:

EXECUTIVE DEPARTMENT, Nov. 26d, 1826.

The Hon. the President and members of the Senate:

Gentlemen—I hasten to inform you of the resignation of Bolling Hall, Esquire, one of the Commissioners to class the University land in the second judicial circuit. As some of the commissioners lived at a distance remote from the land, they failed in three several attempts to assemble. This public service is suspended until an appointment can be made by your honorable body, to supply the vacancy.

I have also the honour to inform you of the resignation of David Murphree, Judge of the County Court of Walker county, and of Joab Lawler, Judge of the County Court of Shelby county.

I have the honour to be, most respectfully,
Your ob't. serv't.

JOHN MURPHY.

Ordered, that the communication lie on the table.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, 25th November, 1826.

The Senate met pursuant to adjournment.

Mr. Casey presented the Report of the President and Directors of the Bank of the State of Alabama; which was read, and is as follows:

To the General Assembly of the State of Alabama :

The President and Directors of the Bank of the State of Alabama, in obedience to the 12th section of an Act entitled, "An act to establish the Bank of the State of Alabama." beg leave respectfully to report, that they have of

Capital Stock,	\$336,773 60 1-2	Debts due the Bank,	\$558,931 56 1-2
Notes in circulation	251,802	Cash on hand,	126,559 52
Money on Deposit,	84,644 07 3-4	Property belonging	
		to the Bank,	4,672 65
Capital Stock until 22nd inst. \$313,624 46 1-2			

Although we have had difficulties to contend with, arising out of the depreciated currency of a neighboring state, and the use that, as is believed, has been made of the Deposites from the Land Offices in this State, yet we feel well assured, that upon examination and consideration, the affairs of this Bank, so far as it regards its profits and present situation, will be found in a state answering, fully, the reasonable expectations of its friends and patrons.

ANDREW PICKENS, Presd't. &c.

Bank of the State of Alabama, 24th November, 1826.

Ordered, That one hundred copies of the report be printed for the use of the Senate, and that it be referred to the committee on the State Bank.

Mr. Ashe presented the accounts of the jailor of St. Clair county against the state; which were referred to the committee on accounts and claims.

A message from the House of Representatives by Mr. Tenstall:

Mr. President: The House of Representatives have adopted the following resolution, in which they desire your concurrence: Resolved, that a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to inquire into the condition of the public arms belonging to the state, and report the same to this House. They have appointed on their part Messrs. Smith of Laud. Davis of Fr. and Broadnax. They have also adopted the following resolution, in which they ask your concurrence: Resolved, that with the consent of the Senate, the two Houses will go into the election of a State Printer to-morrow at 3 o'clock P. M. and that the east end of the Hall be set apart for their reception.

On motion, ordered, that the Senate disagree to the resolution from the House of Representatives proposing the appointment of a special committee to examine into the condition of the public arms.

Mr. Casey moved to amend the resolution from the House of Representatives, relating to the election of a state printer, by striking out the words "to-morrow at 3 o'clock," and inserting in lieu thereof the words "to-day at 3 o'clock;" which was carried.

Mr. Casey moved further to amend the resolution by adding thereto the words "and also a solicitor for the first judicial circuit," so as to elect the solicitor at the same time: which was carried.

The resolution as amended was then agreed to. Ordered, that the secretary inform the House of Representatives thereof.

A bill to be entitled an act to change the time of holding the county courts in the county of Jefferson, was read the second time, amended on Mr. Miller's motion, and referred to a special committee, consisting of Messrs. Clay, Miller and Jackson.

A bill to be entitled an act to authorize Willy Harris to emancipate certain slaves therein named, was read the second time, and ordered to lie on the table.

A bill to be entitled an act to secure to the counties of Conecuh and Butler the right of electing assessors and tax collectors by the legal suffrage of the electors of said counties, was read the second time, and referred to a special committee, consisting of Messrs. Abercrombie, Miller and Jones.

Mr. Casey offered the following resolution: Resolved, that with the concurrence of the House of Representatives, the Senate will assemble in the Representative Hall, at 3 o'clock on Monday next, to elect a Senator to the Congress of the United States, a Secretary of State, Comptroller, and Treasurer, a Commissioner for classing the university lands in the second judicial circuit, and Judges of the county courts; which was adopted. *Ordered*, that the same be sent to the House of Representatives for concurrence.

On motion of *Mr. Jackson*, ordered, that *Mr. Barton* be added to the committee on the State Bank.

Ordered, that *Mr. Clay* be added to the special committee appointed on so much of the Governor's message as relates to the system for the disposal of the public lands.

A message from the House of Representatives by *Mr. McClellan*:

Mr. President—The House of Representatives concur in the amendment made by your honorable body to the resolution relating to the election of a public printer, by striking out the words "to-morrow," and inserting "to-day," and by providing for the election of a Solicitor of the first judicial circuit.

Mr. Powell offered the following resolution: Resolved by the Senate, that with the concurrence of the House of Representatives, it shall be the duty of the military standing committee of both Houses to examine the state armory, and report the number and situation of the arms therein; which was adopted. *Ordered*, that the same be sent to the House of Representatives for concurrence.

And then the Senate adjourned till half past two o'clock this evening.

Evening Session.

A message from his Excellency the Governor by *James I. Thornton, Esq. Secretary of State*, containing the two following communications:

EXECUTIVE DEPARTMENT, NOV. 24, 1826.

The Honorable the President and members of the Senate:

Gentlemen—I have now the honor to transmit to both Houses of the General Assembly a copy of the Digest of the militia and patrol laws, accompanied by the report of the Digester. It is hoped that the natural and lucid arrangement of the several parts will place in a clear view the merits and defects of the present system. I have also the honor to inform you that *Dr. Billingslea* has resigned his office as a member of the Board of Trustees of the University of Alabama.

I have the honor to be,

most respectfully, your ob't serv't,

JOHN MURPHY.

EXECUTIVE DEPARTMENT, NOV. 24, 1826.

The Hon. the President and members of the Senate:

Gentlemen—In the list of executive appointments of Judges of the County Courts during the recess of the General Assembly, the appointment of *William Ragsdale*, vice *D. F. Roysden* resigned, was by mistake omitted.

(Signed)

JOHN MURPHY.

On motion, the former of these communications was referred to the military committee, and the latter ordered to be laid on the table.

A message was received by Mr. Tunstall their clerk from the House of Representatives, as follows: *Mr. President*, the House of Representatives concur in the resolution of your honorable body to go into the election of a Senator to the Congress of the United States, a Secretary of State, Comptroller and Treasurer, and a Commissioner for classing the university lands in the second judicial circuit, and Judges of the county courts, and have amended the same by striking out the words "on Monday next," and also the words "Comptroller and Treasurer;" in which they ask your concurrence.

They also have adopted the following resolution, in which they ask your concurrence: Resolved, that this House will proceed, on Monday next, at twelve o'clock, to appoint a committee to act with such committee as may be appointed on the part of the Senate, to examine into the situation and condition of the Bank of the State of Alabama.

Both of which resolutions, on separate motions, were ordered to lie on the table. It was then moved and carried that the Senate adjourn till Monday morning 10 o'clock—and the yeas and nays being called for, stood thus:

Yeas—messrs. President, Abercrombie, Bagby, Barton, Brown, Clay, Crabb, Jackson, Irwin, Jones, and m'Camy—11.

Nays—messrs. Ashe, Casey, merriwether, miller, Powell, Skinner, Sullivan and Vanhose—8.

So the Senate adjourned till Monday morning 10 o'clock.

Monday, November 27th, 1826.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Tunstall their clerk: *Mr. President*, the House of Representatives have read three times and passed a joint resolution authorizing the vote of Mr. Ambrister to be taken at his room in the approaching election for Senator. In which they desire your concurrence.

Mr. Irwin, from the special committee to whom was referred the petition of sundry inhabitants of Dale county, reported a bill to be entitled an act amendatory to an act entitled an act to establish a certain county therein named, and for other purposes; which was read, and ordered to a second reading to-morrow.

The joint resolution, from the House of Representatives, authorizing the vote of Mr. Ambrister to be taken at his room in the approaching election for Senator, was read, and ordered to lie on the table.

Mr. Casey called up the petition of sundry persons relating to the improvement of the navigation of Cahawba river. *Ordered*, that it be referred to the committee on inland navigation.

On motion of Mr. Casey, *ordered*, that Mr. Sullivan be added to the committee on inland navigation.

Mr. Brown, from the committee to whom was referred the petition of John Smith, reported a bill to be entitled an act to authorize John Smith, of Jefferson county, to emancipate a certain slave therein named; which was read, and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. Tunstall their clerk. *Mr. President*: The House of Representatives have adopted the following resolution, in which they desire your concurrence: *Resolved*,

With the concurrence of the Senate, that the General Assembly do proceed this day, at the hour of 12 o'clock, to elect a Senator to the Congress of the United States from this state. *Ordered*, that the Senate concur in the above resolution, and that the secretary inform the House thereof.

Mr. Casey offered the following resolution: *Resolved* by the Senate, with the concurrence of the House of Representatives, That the Senate will convene in the Representative chamber, at 3 o'clock this evening, to elect a Solicitor of the first judicial circuit, a Commissioner to class the university lands in the second judicial circuit, a public printer, and Judges of the county courts; which was adopted.

Mr. Powell offered the following resolution: *Resolved*, that the Senate will on to-morrow, at 10 o'clock A. M. proceed to elect three members thereof, to act jointly with such committee as may be appointed by the House of Representatives, for the purpose of examining into the condition of the Bank of the State of Alabama, pursuant to an "act entitled an act to amend the charter of the Bank of the State of Alabama; which was adopted. *Ordered*, that the secretary inform the House of Representatives thereof

A message from the House of Representatives by Mr. Tunstall:

Mr. President: The House of Representatives concur in the resolution of your honorable body relating to the election of a Solicitor of the first judicial circuit, a Commissioner to class the university lands in the second judicial circuit, a Public Printer, and Judges of the county courts, and have amended the same by inserting the words "excepting the Judge of Wilcox county court;" in which amendment they desire your concurrence. They have also adopted the following resolution: *Resolved*, That the Senate be informed that this House is now prepared to receive them, to go into the election of a Senator to the Congress of the United States, and that the east end of the Representative Hall is assigned for their reception.

Ordered, That the Senate concur in the amendment made by the House of Representatives to their resolution relating to the election of certain officers therein specified, by "excepting the election of Judge of the county court of Wilcox"

The Senate then, on motion, repaired to the Hall of the House of Representatives, and after having taken the seats assigned them, Mr. President announced the object of the meeting, when the two Houses proceeded to the election of a Senator to the Congress of the United States, to supply the vacancy occasioned by the death of the Hon. Henry Chambers. John M'Kinley and Clement C. Clay being in nomination;

For Mr. M'Kinley 41 }
For Mr. Clay 38 } votes.

Those who voted for Mr. M'Kinley are—

Mr. Ashe	Sullivan	Bradford	Dubose	Duke	Martin
Brown	Vanhoose	Crenshaw	Ellis		Massey
Casey	(Reps.)	Craig	Edwards		Pickens
Irwin	Mr. Speaker	Coopwood	Greening		Parham
Jones	Acklen	Coleman	Johnson	Jones	Perry
Merriwether	Benson	Davis of Fr.	Lawler		Williams
Miller	Bridges	Dennis	M'Vay of Laud.	Weissenger	
Skinner	Brown	Dupuy	M'Vay of Law.	Walthall	— 41

Those who voted for Mr. Clay are—

Mr. President	(Reps.)	Dale	Montgomery	Rhodes
Abercrombie	Mr. Ambrister	Edmondson	Moore of Mad.	Raney
Barton	Bailey	Exum	Moore of Jack.	Smith of Henry
Clay	Broadnax	Fleker	Mead	Smith of Lau.
Crabb	Bell	Heard	Neill	Sims
Jackson	Barclay	Harris	Perkins	Terry
M'Caney	Coe	Lewis	Powell	Whitfield—33
Powell	Davis of Jack.	M'Clung	Ross	

John M'Kinley having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected a Senator to the Congress of the United States from this State, to supply the vacancy occasioned by the death of the Hon. Henry Chambers.

The election being completed, the Senate withdrew, retired to their own chamber, and Mr. President resumed the chair: when, on motion, the Senate adjourned till 3 o'clock this evening.

Evening Session.

A message was received from the House of Representatives by Mr. Tunstall their clerk, inviting the Senate to assemble in the Representative Hall, for the purpose of going into the election of certain officers, pursuant to a resolution. Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and after having taken their seats, Mr. President arose and declared the object of the meeting—When the two houses proceeded to the election of a Solicitor of the first judicial circuit. John Elliott John Hunter, P. T. Harris, Elisha Young, D. R. W. M'Rea and Thomas P. Lumpkin being in nomination—For Mr. Elliott 20 votes, Mr. Hunter 13, Mr. Harris 14, Mr. Young 12, Mr. M'Rea 9, Mr. Lumpkin 9.

Those who voted for Mr. Elliott are

Mr. President, Barton, Casey, M'Caney, Merriwether, Miller, Skinner, Vanhoose of the Senate. Mr. Benson, Bell, Barclay, Davis of Jack Edmondson, Johnson, Montgomery, Mead, Martin, Perkins, Parham, Ross, of the House.

Those who voted for Mr. Hunter are

Mr. Brown, Irwin, Jones, of the Senate. Mr. Speaker, Bradford, Crenshaw, Davis of Fr. Dennis, Exum, M'Vay of Law, Perry, Powell, Smith of Henry, of the House.

Those who voted for Mr. Harris are

Mr. Ashe of the Senate. Mr. Brown, Coleman, Dupuy, Dabose, Fleker, Jones, Lawler, M'Clung, Moore of Mad Massey, Neill, Rhodes and Whitfield, 14, of the House.

Those who voted for Mr. Young are

Mr. Jackson, Powell, Sullivan of the Senate. Mr. Craig, Duke, Ellis, Moore of Jack Smith of La Sims, Weissenger, Williams, Walthall, 12, of the House.

Those who voted for Mr. M'Rea are

Mr. Bagby of the Senate. Mr. Acklen, Bridges, Dale, Edwards, Greening, Heard, M'Vay of Land, Pickens—9.

Those who voted for Mr. Lumpkin are

Mr. Abercrombie, Clay, Crabb of the Senate. Mr. Bailey, Broadnax, Coe, Coopwood, Lewis, Terry—9.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a second time for a Solicitor of the first circuit—the same persons in nomination—For Mr. Elliott 20 votes—Mr. Hunter 18—Mr. Harris 14—Mr. Young 10—Mr. M'Rea 7—Mr. Lumpkin 8.

Those who voted for Mr. Elliott are

Mr. President, Barton, Casey, M'Camy, Merriwether, Miller, Skinner, Vanhooze of the Senate. Mr. Benson, Bell, Barclay, Davis of Ja. Edmondson, Johnson, Montgomery, Mead, Martin, Perkins, Parham, Ross—20.

Those who voted for Mr. Hunter are

Mr. Brown, Irwin, Jones of the Senate. Mr. Speaker, Acklen, Bradford, Crenshaw, Coopwood, Davis of Fr. Dennis, Exum, Moore of Ja. M'Vay of Laud. M'Vay of Law. Perry, Powell, Smith of Hen. Williams—18.

Those who voted for Mr. Harris are

Mr. Ashe of the Senate. Mr. Brown, Coleman, Dupuy, Dubose, Fluker, Jones, Lawler, M'Clung, Moore of Mad. Massey, Neill, Rhodes, Whitfield—14.

Those who voted for Mr. Young are

Mr. Jackson, Powell, Sullivan of the Senate. Mr. Craig, Duke, Ellis, Smith of Laud. Sims, Weissenger, Walthall—10.

Those who voted for Mr. M'Rea are

Mr. Bagby of the Senate. Mr. Bridges, Dale, Edwards, Greening, Heard, Pickens—7.

Those who voted for Mr. Lumpkin are

Mr. Abercrombie, Clay, Crabb of the Senate. Mr. Bailey, Broadnax, Coe, Lewis, Terry—8.

Neither of the persons in nomination having received a majority of the whole number of votes, the two houses proceeded to vote a third time for a Solicitor of the first circuit—the same gentlemen in nomination except Mr. M'Rea, whose name was withdrawn. For Mr. Elliott 31 votes, Mr. Hunter 26, Mr. Harris 11, Mr. Young 4, Mr. Lumpkin 5.

Those who voted for Mr. Elliott are

Mr. President, Ashe, Bagby, Barton, Casey, Clay, Jackson, M'Camy, merriwether, miller, Skinner, Vanhooze, of the S. Mr. Benson, Bridges, Bell, Barclay, Coe, Davis of Jack. Dale, Dupuy, Edmondson, Edwards, Johnson, montgomery, mead, martin, Perkins, Pickens, Parham, Ross, Smith of Laud.—31.

Those who voted for Mr. Hunter are

Mr. Brown, Crabb, Irwin, Jones, of the Senate. Mr. Speaker, Acklen, Brown, Bradford, Crenshaw, Craig, Coopwood, Coleman, Davis of Fr. Dennis, Ellis, Exum, Greening, Heard, moore of Jack. m'Vay of Laud. m'Vay of Law. massey, Perry, Powell, Smith of Hen. Williams—26.

Those who voted for Mr. Harris are

Mr. Powell of the Senate. Mr. Dubose, Fluker, Jones, Lawler, m'Clung, moore of mad. Neill, Rhodes, Sims, Whitfield—11.

Those who voted for Mr. Young are

Mr. Sullivan of the Senate. Mr. Duke, Weissenger, Walthall—4.

Those who voted for Mr. Lumpkin are

Mr. Abercrombie of the Se. Mr. Bailey, Broadnax, Lewis, Terry, 5, of the H.

Neither of the persons in nomination having received a majority of majority of the whole number of votes, the two houses proceeded to vote a fourth time for Solicitor—Messrs. Young and Lumpkin withdrawn—For Mr. Elliott 37 votes, Mr. Hunter 29, Mr. Harris 11.

Those who voted for Mr. Elliott are

Mr. President, Ashe, Bagby, Barton, Casey, Clay, Jackson, M'Camy, merriwether, miller, Skinner, Sullivan, Vanhooze of the Senate. Mr. Benson, Bridges, Broadnax, Bell, Barclay, Craig, Coe, Davis of Ja. Dale, Dupuy, Dubose, Edmondson Edwards, Johnson, montgomery, mead, martin, Perkins, Pickens, Parham, Ross, Smith of Laud. Terry, Walthall—37.

Those who voted for Mr. Hunter are

Mr. Brown, Crabb, Irwin, Jones of the Senate. Mr. Speaker, Acklen, Brown.

Bradford, Crenshaw, Coopwood, Coleman, Davis of Fr. Dennis, Duke, Ellis, Exum, Greening, Heard, Moore of Ja. M'Vay of Laud. M'Vay of Law. Massey, Perry, Powell, Smith of H. Sims, Williams, Weissenger, Whitfield—29.

Those who voted for Mr. Harris are

Mr. Abercrombie, Powell of the Senate. Mr. Bailey, Fluker, Jones, Lawler, Lewis, M'Clung, Moore of Mad. Neill, Rhodes—11.

Neither of the gentlemen in nomination having received a majority of the whole number of votes, the two houses proceeded to vote a fifth time for Solicitor of the first circuit: For Mr. Elliott 43 votes, Mr. Hunter 32, Mr. Harris 2.

Those who voted for Mr. Elliott are

Mr. President	Merriwether	Bailey	Dubose	Perkins
Abercrombie	Miller	Broadnax	Edmondson	Pickens
Ashe	Powell	Bell	Edwards	Parham
Bagby	Skinner	Barclay	Fluker	Ross
Barton	Sullivan	Craig	Johnson	Rhodes
Casey	Vanhooose	Coe	Montgomery	Smith of Laud.
Clay	of the Senate.	Davis of Jack.	Moore of Mad.	Terry
Jackson	Mr. Benson	Dale	Mead	Walthall—13
M'Camy	Bridges	Dupuy	Martin	

Those who voted for Mr. Hunter are

Mr. Brown	Brown	Dennis	Duke	Moore of Jack.	Powell
Crabb	Bradford	Ellis	Exum	M'Vay of Laud.	Smith of Hen.
Irwin	Crenshaw	Greening		M'Vay of Law.	Sims
Jones of Sen.	Coopwood	Heard		Massey	Williams
Mr. Speaker	Coleman	Jones		Neill	Weissenger
Acklen	Davis of Fr.	Lawler		Perry	Whitfield—32

Those who voted for Mr. Harris are—Mr. Lewis, M'Clung.

John Elliott having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Solicitor of the first judicial circuit.

The two houses then proceeded to elect a Commissioner to class the university lands in the second judicial circuit. James Moore and Thomas Crawford being in nomination—For Mr. Moore 35 votes, Mr. Crawford 42.

Those who voted for Mr. Moore are

Mr. Crabb	(Reps.)	Coopwood	Heard	Perry
Irwin	Mr. Acklen	Davis of Fr.	Jones	Powell
Jones	Benson	Dubose	Moore of Mad.	Sims
M'Camy	Bridges	Edmondson	Moore of Jack.	Terry
Miller	Brown	Ellis	M'Vay of Laud.	Williams
Skinner	Broadnax	Edwards	Neill	Weissenger
Sullivan	Bradford	Coe	Pickens	Walthall—35

Those who voted for Mr. Crawford are

Mr. President	Merriwether	Coleman	Johnson	Perkins
Abercrombie	Powell	Davis of Ja.	Lawler	Parham
Ashe	Vanhooose	Dale	Lewis	Ross
Bagby	(Rep's.)	Dennis	M'Clung	Rhodes
Barton	Mr. Speaker	Dupuy	Montgomery	Smith of Hen.
Brown	Bailey	Duke	M'Vay of Law.	Smith of Lau.
Casey	Bell	Exum	Mead	Whitfield—42
Clay	Barclay	Fluker	Martin	
Jackson	Crenshaw	Harris	Massey	

Thomas Crawford having received a majority of votes, was declared

by the Speaker to be duly elected a Commissioner to class the university lands in the second judicial circuit.

The two houses then proceeded to elect a public printer. Davenport & M'Farland and Grantland & Robinson being in nomination. For Davenport & M'Farland 30 votes, Grantland & Robinson 48.

Those who voted for Davenport & M'Farland are

mr. Ashe	merriwether	Crenshaw	Edmondson	Parham
Bagby	Sullivan	Coopwood	Exum	Perry
Brown	(Rep's)	Coleman	m'Vay of Law.	Pickens
Casey	Clay	mr. Benson	Davis of Fr.	martin
Jackson	Bridges	Dale	massey	Weissenger
Jones	Bell	Dupuy	Neill	Williams—30

Those who voted for Grantland & Robinson are

mr. President	(Rep's)	Davis of Ja.	Johnson	Perkins
Abercrombie	mr. Speaker	Dennis	Jones	Powell
Barton	Acklen	Dubose	Lawler	Ross
Crabb	Bailey	Duke	Lewis	Rhodes
Irwin	Brown	Ellis	m'Clung	Smith of Hen.
m'Camy	Broadnax	Edwards	montgomery	Smith of Laud.
miller	Bradford	Fluker	moore of mad.	Terry
Powell	Barclay	Greening	moore of Jack.	Walthall
Skinner	Craig	Heard	m'Vay of Laud.	Whitfield—48
Vanhoose	Coe	Harris	mead	

Grantland & Robinson having received a majority of votes, were declared to be duly elected state printers.

The two houses then proceeded to elect a Judge of the County Court for Washington county, James Taggart alone being in nomination.—For Mr. Taggart 77 votes.

Those who voted for Mr. Taggart are, all the members present.

James Taggart having received seventy-seven votes, was declared by Mr. Speaker to be duly elected Judge of the County Court of Washington county.

The two houses then proceeded to elect a Judge of the County Court of Monroe county: Asa Hammond and Henry W. Taylor being in nomination. For mr. Hammond 32 votes, mr. Taylor 45.

Those who voted for mr. Hammond are

mr. merriwether	Bradford	Duke	moore of mad.	Rhodes
Sullivan	Coopwood	Ellis	Edwards	m'Vay of Laud.
(Rep's.)	Coleman	Flaker	massey	Neill
mr. Speaker	Davis of Fr.	Heard	Perkins	Williams
Benson	Davis of Ja.	Johnson	Pickens	Weissenger
Broadnax	Dubose	montgomery	Perry	Walthall
				Whitfield—32

Those who voted for mr. Taylor are

mr. President	Jackson	mr. Acklen	Dupuy	moore of Ja.
Abercrombie	Irwin	Bail-y	Edmondson	m'Vay of Law.
Ashe	Jones	Browu	Exum	mead
Bagby	m'Camy	Bell	Greening	martin
Barton	miller	Barclay	Harris	Parham
Brown	Powell	Crenshaw	Jones	Powell
Casey	Skinner	Craig	Coe	Ross
Clay	Vanhoose	Dale	Lewis	Smith of Hen.
Crabb	(Rep's.)	Dennis	m'Clung	Smith of La. 48

Henry W. Taylor having received a majority of the whole number of

votes, was declared by Mr. Speaker to be duly elected Judge of the county court of Monroe county.

The two houses then proceeded to elect a Judge of the county court of Greene county; Thomas F. Moody, William M'Dowell, and Pleasant May, Jr. being in nomination. For Mr. Moody 48 votes, Mr. M'Dowell 3, Mr. May 27.

Those who voted for Mr. Moody are

Messrs. Ashe	Skinner	Craig	Harris	Pickens
Bagby	Sullivan	Coe	Johnson	Parham
Casey	Vanhooose	Coopwood	Lawler	Perry
Clay	(Reps.)	Coleman	M'Clung	Powell
Irwin	Acklen	Davis of Fr.	Moore of Mad.	Smith of Henry
Jones	Benson	Davis of Jack.	Moore of Jack.	Williams
M'Camy	Bridges	Dupuy	M'Vay of Law.	Weissenger
Merriwether	Brown	Dubose	Martin	Walthall
Miller	Barclay	Duke	Neill	Whitfield—48
Powell	Crenshaw	Heard	Perkins	

Those who voted for Mr. M'Dowell are

Messrs. Barton	(Reps.)	Ellis	Montgomery
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Those who voted for Mr. May are

Mr. President	(Reps.)	Dale	Dennis	Greening	Massey
Abercrombie	Mr. Speaker	Edmondson	Jones	Lewis	Ross Rhodes
Brown	Bailey	Edwards	M'Vay of Laud.	Sims	Smith of Lau.
Crabb	Broadnax	Exum	Mead	Terry—27	
Jackson	Bell	Bradford	Fluker		

Thomas F. Moody having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Judge of the county court of Greene county.

The two houses then proceeded to elect a Judge of the county court of Jackson county: James Russell, William S. Compton and Joseph B. Eason being in nomination. For Mr. Russell 30 votes, Mr. Compton 35, Mr. Eason 7.

Those who voted for Mr. Russell are

Mr. President	Irwin	(Reps.)	Coleman	M'Vay of Law.
Ashe	Jones	Messrs. Bridges	Davis of Jack.	Mead
Bagby	M'Camy	Bailey	Dupuy	Neil
Brown	Merriwether	Broadnax	Heard	Parham
Casey	Powell	Barclay	Coe	Harris
Clay	Vanhooose	Coopwood	Lewis	Terry
				Walthall—30

Those who voted for Mr. Compton are

Mr. Abercrombie	Bell	Ellis	Moore of Jack.	Ross
Barton	Crenshaw	Edwards	Montgomery	Smith of Henry
Jackson	Davis of Fr.	Exum	M'Vay of Laud.	Smith of La.
(Reps.)	Dale	Dennis	Martin	Sims
Mr. Speaker	Dubose	Greening	Massey	Williams
Benson	Duke	Johnson	Ferkins	Weissenger
Brown	Edmondson	Jones	Pickens	Whitfield—35

Those who voted for Mr. Eason are

Messrs. Miller, (Reps.) Acklen, Bradford, Lawler, M'Clung, Moore of Mad. Perry—7.

Neither of the persons in nomination having received a majority of the whole number of votes, the two Houses proceeded to vote a second time for Judge of the county court of Jackson, the name of Mr. Eason being withdrawn. For Mr. Compton 39 votes, Mr. Russell 33.

Those who voted for Mr. Compton are

Mr. Abercrombie	Benson	Duke	Jones	Perkins
Barton	Brown	Edmondson	Lawler	Pickens
Jackson	Bell	Ellis	Montgomery	Ross
Miller	Crenshaw	Edwards	Moore of Mad.	Smith of Hen.
Vanhooose	Davis of Fr.	Exum	Moore of Jack.	Sims
(Rep's.)	Dale	Fluker	M'Vay of Laud.	Weissenger
Mr. Speaker	Dennis	Greening	Martin	Williams
Acklen	Dubose	Johnson	Massey	Whitfield—39

Those who voted for Mr. Russell are

Mr. President	Jones	Broadnax	Davis of Jack.	Mead
Ashe	M'Camy	Bradford	Dupuy	Parham
Bagby	Merriwether	Barclay	Heard	Perry
Brown	Powell	Craig	Harris	Smith of Laud.
Casey	(Rep's.)	Coe	Lewis	Terry
Clay	Bridges	Coopwood	M'Clung	Walthall—33
Irwin	Bailey	Coleman	M'Vay of Law.	

William S. Compton having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected Judge of the county court of Jackson county.

The two houses then proceeded to elect a Judge of the county court of Walker county: Samuel D. Reed and George C. Boggs being in nomination. For Mr. Reed 60 votes, Mr. Boggs 12.

Those who voted for Mr. Reed are

Mr. President	Mr. Speaker	Coleman	Greening	Parham
Abercrombie	Acklen	Davis of Fr.	Heard	Harris
Ashe	Benson	Davis of Jack.	Johnson	Powell
Bagby	Bridges	Dale	Jones	Ross
Barton	Bailey	Dennis	Lawler	Smith of Hen.
Jackson	Broadnax	Dupuy	Lewis	Smith of Laud.
Jones	Bell	Dubose	M'Clung	Sims
Merriwether	Bradford	Duke	M'Clung	Terry
Miller	Barclay	Ellis	Montgomery	Williams
Skinner	Crenshaw	Edwards	Moore of Mad.	Weissenger
Vanhooose	Craig	Exum	Moore of Jack.	Walthall
(Rep's.)	Coe	Fluker	Mead	Whitfield—60
			Perkins	

Those who voted for Mr. Boggs are

Messrs Brown	M'Camy	Coopwood	M'Vay of Law.	Perry—12
Clay	(Rep's.)	Edmondson	Martin	
Crabb	Brown	M'Vay of Laud.	Massey	

Samuel D. Reed having received a majority of the whole number of votes, was declared by Mr. Speaker to be Judge of the county court of Walker county.

The two houses then proceeded to elect a Judge of the county court of Marion county: William H. Ragsdale alone being in nomination.—For Mr. Ragsdale 67 votes. Those who voted for Mr. Ragsdale are

Mr. President, Abercrombie, Ashe, Barton, Brown, Clay, Crabb, Irwin, Jones, M'Camy, Merriwether, Miller, Powell, Sullivan, Vanhooose. (Rep's.) Mr. Speaker, Acklen, Benson, Bailey, Brown, Broadnax, Bell, Bradford, Barclay, Craig, Coe, Coopwood, Coleman, Davis of Fr. Davis of Ja. Dale, Dennis, Dupuy, Dubose, Duke, Edmondson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, M'Clung, Moore of Mad. Moore of Ja. M'Vay of Laud. M'Vay of Law. Mead, Martin, Massey, Perkins, Perry, Powell, Ross, Smith of Hen. Smith of Laud. Sims, Terry, Williams, Weissenger, Walthall, Whitfield—67.

William H. Ragsdale having received all the votes present, was declared by Mr. Speaker to be duly elected Judge of the county court of Marion county.

The two houses then proceeded to elect a Judge of the county court of Shelby county; Leonard Tarrant alone being in nomination. For Mr. Tarrant 64 votes.

Those who voted for Mr. Tarrant are, the same as those who voted in the election for Judge of the county court of Marion, except Messrs. Coe, Fluker and Sims of the House of Representatives.

Mr. Tarrant having received all the votes present, was declared by Mr. Speaker to be duly elected Judge of the county court of Shelby county.

The elections being completed, the Senate withdrew, retired to their own chamber, and Mr. President resumed the chair: when, on motion, the Senate adjourned till to-morrow morning at 10 o'clock.

Tuesday, November 28th, 1826.

The Senate met pursuant to adjournment.

Mr. Gaines, a Senator from the district composed of the counties of Marengo and Clarke, appeared and took his seat.

A bill to be entitled an act to authorize John Smith of Jefferson county, to emancipate a certain slave therein named, was read the second time, and laid on the table.

A bill to be entitled an act amendatory to an act to establish a certain county therein named, and for other purposes, was read the second time. *Ordered*, that the bill be referred to the committee on the judiciary to consider and report thereon.

In pursuance of the resolution of yesterday, and of the act entitled "an act to amend the charter of the Bank of the State of Alabama," the Senate proceeded to elect a committee, to act jointly with such committee as may be elected by the House of Representatives, to examine into the affairs, and report the situation of the Bank of the State of Alabama—Messrs. Jackson, Casey, Gaines, Barton and Sullivan being in nomination. For Mr. Jackson 19 votes, Mr. Casey 15, Mr. Gaines 11, Mr. Barton 7, Mr. Sullivan 8.

Those who voted for *Mr. Jackson* are, Mr. President, Abercrombie, Ashe, Bagby, Barton, Brown, Casey, Clay, Crabb, Gaines, Irwin, Jones, m'Camy, merriwether, miller, Powell, Skinner, Sullivan and Vanhoo—19.

Those who voted for *Mr. Casey* are, messrs. Ashe, Barton, Brown, Crabb, Gaines, Jackson, Irwin, Jones, m'Camy, merriwether, miller, Powell, Skinner, Sullivan and Vanhoo—15.

Those who voted for *Mr. Gaines* are, Mr. President, Abercrombie, Bagby, Barton, Brown, Clay, Jackson, m'Camy, merriwether, Powell and Sullivan—11.

Those who voted for *Mr. Barton* are, Mr. President, Abercrombie, Bagby, Casey, Clay, Gaines and Jackson—7.

Those who voted for *Mr. Sullivan* are, messrs. Ashe, Casey, Crabb, Irwin, Jones, miller, Skinner and Vanhoo—8.

Messrs. Jackson, Casey and Gaines having received a majority of votes, were declared to be duly elected the committee on the part of the Senate to examine the Bank of the State.

A message from the House of Representatives by Mr. M'Clellan:

Mr. President—The House of Representatives concur in the resolution of your honorable body, making it the duty of the military standing committee of both Houses to examine the state armory, and report the number and the situation of the arms therein. They have adopted the following resolution, in which they ask your concurrence: *Resolved*, That this House will on to-morrow, at 10 o'clock, proceed to the election of a committee to act with such committee as may be appointed on the part of the Senate, to examine into the situation and condition of the Bank of the State of Alabama, in pursuance of the charter of said Bank. They have read three times and passed bills which originated in their House entitled an act to incorporate the town of Decatur, in Morgan county; and an act to incorporate the Trustees of Greenville Academy, in Butler county; in which they also desire your concurrence.

Ordered, that the resolution from the House of Representatives relating to the election of a committee to examine into the situation and condition of the Bank, lie on the table.

Bills from the House of Representatives entitled, an act to incorporate the town of Decatur, in Morgan county, and an act to incorporate the Trustees of Greenville Academy, in Butler county, were severally read, and ordered to a second reading to-morrow.

Mr. Jones introduced a bill to be entitled, an act to change the mode of paying jurors in the counties of Conecuh and Butler; which was read, and ordered to a second reading to-morrow.

Mr. Casey offered the following resolution: *Resolved*, that the House of Representatives be informed that the Senate have elected James Jackson, Thomas Casey and George S. Gaines a committee on their part, to act with such committee as they may elect, to examine the situation of the Bank of the State of Alabama, under the act amending the charter of said Bank; which was adopted.

Mr. Barton, from the special committee to whom was referred petitions and documents relating to the emancipation of certain slaves, reported a bill to be entitled an act to emancipate certain slaves therein named; which was read, and ordered to a second reading to-morrow.

The following communication was received from the Governor by Mr. Thornton, Secretary of State.

EXECUTIVE DEPARTMENT, Nov. 27, 1826.

The Hon. the President and members of the Senate:

Gentlemen—I now have the honor to transmit the Report of the Commissioners on the part of this State to run the dividing line between this State and Georgia, together with documents and correspondence relating to that operation.

I have also the honor to transmit a report from Major Charles Lewis, who was instructed to make an examination and survey of that section of the Chatahoochee river between the Flat Shoals and the Great Bend, together with his plat or map of the survey, connected with a general delineation of the dividing line.

I have the honor to be,

most respectfully, your ob't serv't,

JOHN MURPHY.

Ordered, That the communication, together with the accompanying documents, be referred to the special committee appointed on so much of the Governor's annual message as relates to the dividing line between this state and Georgia.

Mr. Powell offered the following resolution: *Resolved*, that the Senate will, with the concurrence of the House, convene in the Representa-

tive Hall, on to-morrow at 3 o'clock p. m. for the purpose of electing a Secretary of State; which was adopted. Ordered, that the same be sent to the House of Representatives for concurrence.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, 29th November, 1826.

The Senate met pursuant to adjournment.

Mr. Casey offered the following resolution: Resolved, that the judiciary committee be instructed to inquire into the expediency of passing a law prohibiting, under adequate penalties, the drawing off the water from mill dams from the first of June to the first of October; which was adopted.

A message from the House of Representatives by Mr. McClellan:

Mr. President: The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that this House has elected Messrs. Moore of Mad. Weissenger and Greening a committee to act with such committee as may be appointed on the part of the Senate, to examine the situation of the State Bank, according to an act of the last session of the General Assembly. They concur in the resolution of your honorable body, proposing to go into the election of a Secretary of State, and have amended the same by inserting the words "Comptroller and Treasurer;" in which amendment they desire your concurrence.

Ordered, That the Senate concur in the amendment made by the House of Representatives to their resolution relating to the election of a Secretary of State, by adding the words "Comptroller and Treasurer."

Ordered, that the secretary inform the House of Representatives thereof.

Mr. Sullivan presented the report of the Comptroller of Public Accounts, shewing the financial operations of the state for the year ending the 26th inst. Ordered, that the report lie on the table, and that two hundred copies thereof be printed for the use of the Senate.

A bill to be entitled an act to emancipate certain slaves therein named; and an act to change the mode of paying jurors in the counties of Conecuh and Butler, were severally read the second time, and ordered to lie on the table.

A bill to be entitled an act to incorporate the Trustees of Greenville Academy, in Butler county; and an act to incorporate the town of Decatur, in Morgan county, were severally read the second time, and ordered to a third reading to-morrow.

Mr. Casey presented the memorial of the purchasers of lots in the town of Cahawba; which was referred to a special committee: Whereupon Messrs. Casey, Barton and Miller were appointed the committee.

Mr. Barton introduced a bill to be entitled an act to provide for an extra term of the Circuit Court in Mobile and Baldwin counties; which was read—And the rule requiring bills to be read on three several days being dispensed with, by the requisite majority, the bill was read the second time. The rule being further dispensed with, and the bill being considered as engrossed, was read the third time, and passed.

Ordered, That the title of the bill be as aforesaid; and that it be sent to the House of Representatives for concurrence.

Mr. Barton offered the following resolutions:

Resolved, That the committee on the State Bank be instructed to inquire—1st. As to the expediency of establishing a Branch of the said

Bank at the present session of the General Assembly—2d. At what point it would be most for the interest of the institution to locate such Branch—3d. What alterations, if any, are necessary to be made in the charter of the said Bank, to assure the safety of the public funds composing its capital, and the profitable employment of the same—with leave to report by bill or otherwise; which were adopted.

And then the Senate adjourned till 3 o'clock this evening.

Evening Session.

Mr. Jackson introduced a bill to be entitled an act to authorize the executor of Alexander Jackson, deceased, to emancipate a certain slave therein named; which was read, and ordered to a second reading to-morrow.

Mr. Miller offered the following resolution: *Resolved*, That the judiciary committee be requested to inquire into the expediency of passing a law authorizing the Governor to procure some suitable person to revise the administration laws, and report the same with such amendments as he may think necessary, to the next General Assembly—with leave to report by bill or otherwise; which was adopted.

The following communication was received from the Governor by James I. Thornton, Esq. Secretary of State:

The Honorable the President and members of the Senate:

Gentlemen—I have the honor to lay before you Resolutions of the State of Louisiana, approving a Resolution of the State of Georgia, respecting the importation or ingress of people of colour into any of the States contrary to their laws; and disapproving the resolution of the state of Ohio, proposing a plan for the gradual emancipation of slaves; Resolutions of the state of Vermont, disapproving of the said resolution of the state of Georgia, and signifying the disposition of that state to accord in any consistent plan for the abolition of slavery; Resolutions of the states of Indiana and Maine, disapproving of the resolution of the state of Tennessee in relation to the election of President and Vice President; and the Report and Resolution of the state of Mississippi on the Resolutions of the States of Delaware, Connecticut, Illinois, Indiana, Ohio and New-Jersey, in relation to the emancipation of slaves.

I have the honor to be, most respectfully, your ob't serv't,

JOHN MURPHY.

Ordered, That the communication, together with the accompanying documents, be referred to a special committee: whereupon Messrs. Bagby, Barton and Jackson were appointed the committee.

Mr. Gaines offered the following resolution: *Resolved*, That the military committee be instructed to inquire into the expediency of distributing the public arms among the different volunteer corps in this state; which was adopted.

A message was received from the House of Representatives by Mr. Tunstall their clerk, inviting the Senate to assemble in the Representative Hall, for the purpose of electing a Secretary of State, Comptroller and Treasurer—Whereupon the members of the Senate proceeded to the Representative Hall, and, after having taken the seats assigned them, Mr. President declared the object of the meeting, when the two houses proceeded to the election of a Secretary of State: James I. Thornton alone being in nomination. For Mr. Thornton 77 votes.

Those who voted for Mr. Thornton are

Mr. President Miller	Barclay	Fluker	Massey
Abercrombie Powell	Crenshaw	Greening	Perkins
Ashe Skinner	Craig Coe	Heard	Pickens
Bagby Sullivan	Coopwood	Harris	Parham
Barton Vanhoose	Coleman	Johnson	Perry
Brown (Rep's.)	Davis of Fr.	Jones	Powell Ross
Casey Mr. Speaker	Davis of Ja.	Lawler	Rhodes
Clay Acklen	Dale Dennis	Lewis	Smith of La.
Crabb Benson	Dupuy	m'Clung	Smith of Hen.
Gaines Bridges	Dubose	montgomery	Sims
Jackson Bailey	Duke	moore of mad.	Terry
Irwin Brown	Edmondson	moore of Jac.	Williams
Jones Broadnax	Ellis	m'Vay of Lau.	Weissenger
m'Camy Bell	Edwards	m'Vay of Law.	Walthall
merriwether Bradford	Exum	martin	Whitfield-77.

James I. Thornton having received all the votes present, was declared by Mr. Speaker to be duly elected Secretary of State of the state of Alabama.

The two houses then proceeded to elect a Comptroller of Public Accounts: Samuel Pickens alone being in nomination—For Mr. Pickens 77 votes. Those who voted for Mr. Pickens are, the same as those who voted in the election for Secretary of State.

Samuel Pickens having received all the votes present, was declared by Mr. Speaker to be duly elected Comptroller of Public Accounts.

The two houses then proceeded to elect a State Treasurer: John C. Perry alone being in nomination. For Mr. Perry 77 votes.

Those who voted for Mr. Perry are, the same as those who voted in the election for Secretary of State.

John C. Perry having received all the votes present, was declared by Mr. Speaker to be duly elected State Treasurer.

The election being completed, the Senate withdrew, retired to their own chamber, and Mr. President resumed the chair.

On motion of Mr. Bagby, ordered, that Mr. Gaines be added to the committee on the judiciary.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Thursday, November 30th, 1826.

The Senate met pursuant to adjournment.

A bill to be entitled an act to authorize the executor of Alexander Jackson, deceased, to emancipate a certain slave therein named, was read the second time, and ordered to lie on the table.

A bill from the House of Representatives entitled an act to incorporate the town of Decatur in Morgan county; and an act to incorporate the Trustees of Greenville Academy in Butler county, were severally read the third time and passed. *Ordered*, that the same be returned to the House of Representatives.

Mr. M'Camy introduced a bill to be entitled an act to amend the laws now in force for the punishment of malicious mischief; which was read, and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. McClellan:

Mr. President: The House of Representatives have read three times, and passed, bills which originated in their House, entitled an act for the relief of Zephaniah Hicks; and an act to declare certain parts of the

Choctawhatchee and Pea rivers public highways. In which they desire your concurrence.

The two last mentioned bills were severally read the first time, and ordered to a second reading on to-morrow.

Mr. Casey called up the bill to be entitled an act to change the mode of paying jurors in the counties of Conecuh and Butler; and moved to amend the same by inserting "Dallas county;" which was carried.—*Ordered*, That the bill be referred to the committee on the judiciary, to consider and report thereon.

Ordered, that Mr. Casey be added to the committee on the judiciary.

Ordered, that Mr. Miller be added to the standing committee on the State Bank.

Mr. Powell introduced a bill to be entitled an act to provide for the erection of the State Capital; which was read. *Ordered*, that the bill be made the order of the day for to-morrow.

Mr. Casey offered the following resolution: *Resolved*, that the committee on the State Bank be directed to inquire into the expediency of causing the President and Directors of the chartered Banks in this state to report to the Legislature during the first week of each and every session, the amount of capital stock, notes in circulation, money on deposit, debts due the bank, cash on hand, and property owned by the bank; which was adopted.

Mr. Abercrombie offered the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of preventing the Creek Indians from hunting on lands within the settled limits of the state of Alabama, and to report by bill or otherwise; which was adopted. Messrs. Abercrombie, Irwin and Ashe were appointed the committee.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, December 1st, 1826.

The Senate met pursuant to adjournment.

Mr. Casey, from the special committee to whom was referred the memorial of the purchasers of lots in the town of Cahawba, submitted the following report and joint resolutions:

The committee to whom was referred the petition of sundry citizens of Cahawba, praying remuneration for the depreciation of property in the said town of Cahawba, in consequence of the removal of the Seat of Government of said state to Tuscaloosa, *respectfully Report*, That they have had the same under consideration, and present to your honorable body the following expose of facts and laws passed either by the Congress of the United States, or by the Territorial or State Legislatures of Alabama, and which preceded the location of the *permanent* site for the seat of government of the state of Alabama, and the first sale of said town lots in Cahawba, in the month of May, 1819, to wit: That at the first session of the Legislature of the Territory of Alabama, which was begun and held at the town of St. Stephens, in the month of January in the year 1818, an act was passed appointing commissioners "to examine and report to the Governor the most eligible site, as near the centre of the Territory as might be, having due regard to commercial advantages, and the nature and situation of the country." That at that time it occurred to his Excellency Governor Bibb, that if the attention of Congress were called to the subject, they would not hesitate to grant, free of

any charge to the said Territory, 640 acres of land, including whatsoever site might be selected : and accordingly the attention of Congress was, by Governor Bibb, called to the subject : the result was as he had anticipated ; and Congress passed an act providing " that there shall be reserved from sale, in the Alabama Territory, any one entire section, to be located under the direction of the Governor of the said Territory of Alabama, for the *Seat of Government therein* ; to establish which facts, nothing more will be necessary than a reference to the severally before recited acts. [see note A.] That at the next succeeding Legislature of the Territory of Alabama, which was begun and held at the town of St. Stephens, in Nov., 1818, the Commissioners appointed by the before-mentioned act " to examine and report to the then Executive the most eligible site for the seat of the territorial government," made the report, a copy whereof is hereunto annexed, recommending Tuscaloosa as the most eligible site for the seat of government ; whilst on the other hand, his Excellency Wm. W. Bibb, desirous alike of availing himself of the distinguished spirit of liberality which had characterized the National Councils, and of carrying into full and complete effect the intentions of the Territorial Legislature, in relation to the site for the *permanent seat of government* of said territory, and which, by the provisions of the act herein before referred to, was to be selected "*as near the centre of the Territory as might be, having due regard to the commercial advantages, and to the nature and situation of the country,*" reported, in his message to the said legislature, that the town of Cahawba " possessed, in his opinion, the advantages the legislature had in view ; that it approached certainly nearer the centre of the Territory, and of its future permanent population, than any place equally eligible, and that he had communicated the result of his examination to the President of the United States, with the request that such parts of sections at Cahawba as he thought best calculated for the seat of government, might be reserved from sale, it being at that time selected by the General Government as an eligible site for a town, and the same being then actually by it advertised for sale in town lots ; and that the President of the United States had acceded to his request. And his Excellency Gov. Bibb also transmitted with his message to the legislature of the then territory of Alabama a copy of his correspondence, together with a letter from the Commissioner of the General Land Office to the Register and Receiver, and also the report signed by three of the Commissioners, appointed in pursuance of one of the before recited acts, " to examine and report to the Governor the most eligible site for the seat of the territorial government," [see note B,] which said legislature, on the 16th Nov. 1818, (Digest p. 814) passed an act in the words and figures following, to wit : " And be it further enacted, that from and after the adjournment of the present session of the legislature, the seat of government for the Alabama territory shall be established *permanently* at the town of Cahawba,"—and also, by an act passed the 21st Nov. 1818, (same page,) authorized the Governor to conclude with the Executive of the United States such arrangements respecting the location of the site of the seat of government, at the confluence of the Alabama and Cahawba rivers, as he might deem necessary to carry into effect the act of Congress in that behalf, passed at its previous session. Also appointing the said Governor a commissioner, with full power to lay off, or cause to be laid off, on such plan as

he might deem most suitable, a town at the place called and known as the town of Cahawba. Also, to cause the same to be laid off into lots, to give notice of sale, and to sell to the highest bidder, &c. And also, in the 9th section of said act, the said Governor was authorized, out of the proceeds of the sale of the said lots, to contract for, and to cause to be erected, a building suitable for the temporary accommodation of the General Assembly of the territory or state, until permanent buildings might be thereafter provided. And the 10th section of said act provided that the *temporary seat of government* should be and remain at Huntsville until suitable buildings and accommodations could be provided at the town of Cahawba, &c. &c.—all which will more fully appear by reference to the documents herewith subjoined, and to the acts passed by the said legislature for the time being, in relation to that subject. [See note C.] That by an act of the Congress of the United States, passed on the 2d March, 1819, entitled “an act to enable the people of the Alabama territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states,” and which act was passed previous to the first sale of the town lots in Cahawba; it was amongst other things provided, “that in lieu of a section of land, provided to be reserved for the seat of government of the said territory, by an act entitled “an act respecting the surveying and sale of public lands in the Alabama territory,” there be granted to the said State, for the seat of government thereof, a tract of land containing 1620 acres, and consisting of sundry fractions and quarter sections, in sections 31 and 32, in township 16, and range 10; and in sections 29 and 30, in the same township and range, lying on both sides of the Alabama and Cahawba rivers, and including the mouth of the river Cahawba, and which theretofore had been reserved from public sale by order of the President of the United States. [See note D.] That pursuant to the provisions of the act of the Legislature of the Territory of Alabama, passed on the 21st Nov. 1818, entitled “an act providing for the temporary and permanent seats of government,” his Excellency Governor Bibb laid off the said town of Cahawba into lots, caused the same to be surveyed, marked and distinguished, and gave public notice by advertisement, pursuant to the provisions of the said act, that the lots in the said town of Cahawba (the permanent seat of government) would be offered for sale to the highest bidder, &c. in conformity with the provisions of the said act. That at the first session of the first General Assembly of the State of Alabama, begun and held in the town of Huntsville, on the fourth Monday of October, in the year 1819, his Excellency Gov. Bibb, pursuant to the provisions of the last before recited act, reported to the said legislature, “that he had, pursuant to the provisions of an act of the last General Assembly, appointing the Governor a Commissioner to lay off, or cause to be laid off, on such plan as he should deem most suitable, a town at the junction of the rivers Alabama and Cahawba, and to offer the lots for sale to the highest bidder, one hundred and eighty-two lots were sold, for the sum of one hundred and twenty-three thousand, eight hundred and fifty-six dollars; of which \$30,964, (being one-fourth part,) was received at the time of sale, together with five one dollars and twenty-five cents, being the second installment on lot No. 53—amounting in the whole to \$31,015 25,” [see note E] which said sum last mentioned, after deducting therefrom the sum

of \$9,600, or thereabouts, which was by the legislature appropriated to the building of the state house at Cahawba, and applied to that use by the said Bibb, Governor as aforesaid, was by him carried or transmitted to Huntsville, and was subsequently applied by the people of the Alabama Territory, in Convention assembled, to cover all and singular the expenses incident to holding the said Convention at Huntsville.

Your Committee beg leave further to report, that it appears to them that the several purchasers at the first sales of lots at Cahawba have paid into the State Treasury, for about 50 lots in the said town of Cahawba, the sum of \$50,751, which will more fully appear by referring to the statement heretofore presented by the Comptroller of Public Accounts for this State, and that of the Secretary of State to the General Assembly thereof. [See note F.]

From all which premises, your Committee are irresistibly led to the following conclusions:—That the purchasers of lots at the first sale at Cahawba purchased the same under the conviction and belief that they were purchasing lots at the *permanent seat of government* for the state of Alabama; that this conviction was produced by the written and verbal declarations of the then Executive; that such were the facts; that if your honorable body will advert to the several acts of legislation on this subject emanating either from the Congress of the United States, or from the local Territorial Legislatures, it will readily be perceived that no other language was addressed to the public, and consequently to purchasers, than that “*the seat of government*” was *permanently* established at Cahawba, and that they purchased under the faith of the public, both express and implied, that they had become owners of lots at the *permanent seat of government for the state of Alabama*. Instead of which, and after many of the purchasers, at the first sales, have exhausted all their means and resources, to make good their pledges to this state in becoming purchasers, they at this late period discover that all their hopes and anticipations in reference to the permanent seat of government have been disappointed; the faith which the public had pledged to them, if not intentionally violated, at least disregarded, and many of them exposed to penury, injury and distress, by the great sacrifices they were compelled to make, to meet engagements to the same public; *engagements* from which they had sanguinely anticipated to be fully reimbursed at some short and future period. Your committee are therefore impressed with the serious and solemn conviction that the same rule of action which would legally apply between individuals, ought to apply where the state is a party; that if the constituted authorities of the state have held out a delusive phantom to purchasers, from the operation of which they have been seriously injured and aggrieved, the same state ought, by the rule of honesty and right, which should invariably characterize our civil polity, extend relief to those purchasers at the first sale of lots in Cahawba; and they therefore recommend to your honorable body the passage of the following resolutions:—

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Seat of Government Fund be set apart to remunerate the holders of lots bought at the first sale of lots in said town, under a contract with the Territory.

Resolved, further, That
be appointed Commissioners to view and report to the next General As-

sembly the damages which the lot holders, bought at the first sale, have sustained in the diminished value of their property by the removal of the Seat of Government from said town.

The resolution reported by the committee was read the first time.

Ordered, that it lie on the table, and that one hundred copies of the report and resolution be printed for the use of the Senate.

Mr. Jackson introduced a bill to be entitled an act to repeal an act therein named, and for other purposes; which was read, and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. Vandyke:

Mr. President: The House of Representatives have adopted the following resolution, in which they desire your concurrence: *Resolved*, That a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to take into consideration so much of the Governor's message as relates to the decease of the Ex-Presidents of the United States, Thomas Jefferson and John Adams, and that the said committee be authorized to make such arrangements as will enable the General Assembly of Alabama to express fully their sense of the distinguished services of the late Ex-Presidents. They have appointed a committee on their part, consisting of messrs. Greening, Moore of Jack. Smith of Laud. Duke, Ellis and Rhodes. They have read three times and passed a bill which originated in your honorable body entitled an act to provide for an extra term of the Circuit Court in Mobile and Baldwin counties. They have also read three times and passed bills which originated in their House, entitled an act to amend an act, entitled an act to amend the act, entitled an act concerning wills and testaments, the settlement of intestate estates, and the duties of executors, administrators and guardians; an act to change the name of and render legitimate certain persons therein named; an act to provide for taking the census of this state; and, an act to repeal in part an act entitled an act authorizing William Blake to emancipate a negro man slave named Jacob, passed Dec. 31st, 1823: In all of which they desire your concurrence.

On motion of Mr. Bagby, *Ordered*, that the resolution from the House of Representatives, proposing the appointment of a joint committee to take into consideration so much of the Governor's message as relates to the decease of the Ex-Presidents of the United States, lie on the table.

Mr. President laid before the Senate the following communication from the President of the State Bank:

Bank of the State of Alabama, 1st December, 1826.

To the President of the Senate:

SIR—Having long since determined to withdraw at a suitable time from the station which I now occupy, I beg leave, through you, to make known to the House, over which you preside, that I do not wish any longer to be considered a candidate for the office of President of this Bank. For reasons very obvious, I think it my duty now to make known this my determination.

I will take this opportunity of expressing the deep sense of obligation which I feel for the repeated manifestations of partiality and confidence, at first without my knowledge, and always without my solicitation, which have been exhibited towards me by the General Assembly. It is my most anxious wish, that a successor may be selected more competent, and equally desirous, to discharge the important trusts confided to him, with fidelity and impartiality.

Accept, Sir, assurances of respectful consideration.

(Signed)

ANDREW PICKENS

Ordered, That the communication lie on the table.

Mr. Abercrombie, from the special committee to whom was referred the bill to be entitled an act to secure to the counties of Conecuh and Butler the right of electing assessors and tax collectors by the legal suffrage of the electors of said counties, reported the same as amended; which was concurred in.

Mr. Irwin moved further to amend the bill by adding the counties of "Henry, Pike and Covington;" which was carried.

Ordered, That the bill be engrossed, and made the order of the day for a third reading to-morrow.

Bills from the House of Representatives, entitled an act to repeal in part an act entitled an act to authorize William Parke to emancipate a negro man slave named Jacob, passed Dec. 31, 1823; an act to amend an act, entitled an act to amend an act, entitled an act concerning wills and testaments, the settlement of intestate estates, and the duties of executors, administrators and guardians; an act to change the names and render legitimate certain persons therein named; and, an act to provide for taking the census of this state; were severally read the first time, and ordered to a second reading to-morrow.

Mr. Barton presented the accounts of John Duncan and Richard Corre, &c. against the state, for articles furnished the La Fayette committee in Mobile; which were referred to the committee on accounts and claims.

Mr. Jones offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law to prevent the legal transfer of the right of property from the legitimate female heir, by the ceremony of marriage, and into the expediency of exempting by law such property as legally descends from parents to females, from the payment of any debts, bonds or obligations, which may be contracted, in future, by any man uniting himself to a woman in the bonds of matrimony, with leave to report by bill or otherwise; which was adopted.

Mr. Skinner presented the petition of sundry persons praying the passage of a law associating the Commissioners of roads and revenue with the Judge of the County Court, in making all appointments authorized to be made by the county judges, and in approving all bonds authorized to be taken by the County Court; and praying further, that no Judge of the County Court shall be authorized to practice law in partnership with any other attorney: which was read, and referred to a special committee. Whereupon Messrs. Skinner, Clay and Barton were appointed the committee.

A bill to be entitled an act to declare certain parts of the Choctaw-hatchee and Pea rivers public highways, was read the second time.—*Ordered*, that the bill be made the order of the day for a third reading to-morrow.

A bill to be entitled an act providing for the erection of the State Capitol, was read the second time. *Ordered*, that the bill be referred to a special committee. Whereupon Messrs. Powell, Jackson and Brown were appointed the committee.

A bill to be entitled an act to amend the laws now in force for the punishment of malicious mischief, was read the second time, and ordered to lie on the table.

A bill to be entitled an act for the relief of Zephaniah Hicks, was read the second time, and ordered to be read the third time to-morrow.

Mr. Brown presented the account of Daniel Ayres, of Jefferson county; which was referred to the committee on propositions and grievances.

Mr. Powell introduced a bill to be entitled an act to repeal in part an act to establish the town of Carthage, in Tuscaloosa county; which was read, and ordered to a second reading to-morrow.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, December 2, 1826.

The Senate met pursuant to adjournment.

Mr. Miller presented the petition of sundry inhabitants of Madison county, praying the establishment of a loan office in the northern part of this state; which was read, and referred to the committee on the State Bank.

Mr. Bagby, from the committee on the judiciary, to whom was referred the bill to be entitled an act to change the mode of paying jurors in the counties of Conecuh and Butler, reported the same as amended; which was concurred in. Ordered, that the bill be engrossed, and made the order of the day for a third reading on Monday next.

Mr. Bagby, from the same committee, to whom was referred a resolution instructing the judiciary committee to inquire into the propriety of amending and making more plain the administration laws of this state, asked to be discharged from the further consideration of the subject; which was granted.

Mr. Abercrombie, from the special committee to whom was referred a resolution instructing them to inquire into the expediency of preventing the Creek Indians from hunting on lands within the settled limits of this state, reported a bill to be entitled an act to prevent the Creek Indians from hunting on lands within the settled limits of this state; which was read, and ordered to a second reading on Monday next.

A message from the House of Representatives by Mr. Vandyke:

Mr. President: The House of Representatives have read three times and passed, bills which originated in their House entitled an act to alter the state road from Selma to Cahawba, by way of the new bridge on Valley creek; and, an act to emancipate certain persons therein named. In which they desire your concurrence.

The bills mentioned in the above message were severally read the first time, and ordered to a second reading on Monday next.

An engrossed bill to be entitled an act to secure to the counties of Conecuh and Butler the right of electing assessors and tax collectors by the suffrage of the legal electors of said counties, was read the third time. Ordered, that the bill lie on the table.

The following communication was received from the Governor by J. I. Thornton, Secretary of State:—

EXECUTIVE DEPARTMENT, Nov. 29th, 1826.

The Hon. the President and members of the Senate:

Gentlemen—I have the honor to lay before you communications from Colonel Bradford of Madison county, and from the officers of the Tuscumbia Hickory Volunteers, applying for a number of stand of the public arms. Similar applications, in a less formal manner, have been received by the Executive from various other quarters. The General Assembly will justly appreciate the motives

of public spirit and patriotism which would induce individuals to assume great private responsibility for the public benefit. The humidity, and perhaps other circumstances, incident to our climate, render it very difficult to keep the arms in the arsenal in a perfect state of preservation. I beg leave to suggest that the public arms might be placed in the hands of the militia officers, under suitable provisions for their return and safe keeping; and thus contribute to the discipline and contingent defence of the state. It is believed that regulations in this respect, sufficiently safe and convenient, may be devised. The complete equipment of such volunteer corps as our present means may permit, will serve as a pattern and incentive to other militia companies, until they also can receive similar attention.

I beg leave also to lay before you a communication from Mr. Rembrandt Peale, of the city of New-York, offering to the State of Alabama a copy of a Portrait of General Washington, taken by himself from the life.

I have the honor to be, most respectfully, your obed't serv't,

(Signed)

JOHN MURPHY.

Ordered, That so much of the communication as relates to the distribution of the public arms, be referred to the military committee.

Ordered, that so much of the communication as relates to the letter from Rembrandt Peale, offering to the state a copy of a portrait of Gen. Washington, taken by himself from the life, be referred to the special committee appointed on so much of the Governor's annual communication as relates to the death of the Ex-Presidents of the United States.

A bill to be entitled an act to repeal an act therein named, and for other purposes, was read the second time. *Ordered*, that the bill be engrossed for a third reading on Monday next.

A bill to be entitled an act to repeal in part an act entitled an act authorizing William Blake to emancipate a negro man slave named Jacob, passed Dec. 31st, 1823, was read the second time. *Ordered*, that the bill lie on the table.

A bill to be entitled an act to change the names and render legitimate certain persons therein named; and, an act to provide for taking the census of this state, were severally read the second time, and ordered to a third reading on Monday next.

A bill to be entitled an act to amend an act, entitled an act to amend an act, entitled an act concerning wills and testaments, the settlement of intestate estates, and the duties of executors, administrators and guardians, was read the second time, and referred to the committee on the judiciary.

A bill to be entitled an act to repeal in part an act to establish the town of Carthage, in Tuscaloosa county, was read the second time. *Ordered*, that the bill be engrossed for a third reading on Monday next.

Bills from the House of Representatives, entitled an act to declare certain parts of the Choctawhatchee and Teja rivers public highways; and, an act for the relief of Zephaniah Hicks, were severally read the third time and passed. *Ordered*, that the bills be returned to the House of Representatives.

On motion of Mr. Jackson, *Ordered*, that the statement of Mr. Terry, a member of the House of Representatives, relating to the subject matter of the bill for the relief of Zephaniah Hicks, be entered upon the Journal of the Senate. The statement is as follows:

"Memorandum of the circumstances on which the bill for the relief of Zephaniah Hicks is predicated. The land is of that class on which only

one payment has been made, and the eight years indulgence has been taken. Mr. Hicks gave his notes for the price, and Mr. Averett was to transfer the certificates as soon as he could go to the magistrate. Mr. Averett was taken sick on the evening of the day of sale, and died in the course of three or four days. No bond was given for transfer.— Mrs. Averett is aged and infirm, has been confined by disease two or three months, has settled all the business of the estate except that mentioned in the bill. The heirs are all desirous for the passage of the law. A court of chancery could not give relief in time for Mr. Hicks to avail himself of the benefit of the act of Congress for the relief of purchasers of public lands. No payments have ever been made on the land except the first. (Signed) **ELI TERRY."**

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, December 4, 1826.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Vandyke :

Mr. President : The House of Representatives have read three times and passed, bills which originated in their House, entitled an act for the relief of Mary Latham ; an act to authorize Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate ; and, an act authorizing Benjamin F. Perry to emancipate a certain slave therein named. In all of which they desire your concurrence.

The bills mentioned in the above message were severally read the first time, and ordered to a second reading to-morrow.

Mr. Powell, from the joint committee on enrolled bills, *reported* as correctly enrolled, an act to provide for an extra term of the circuit court in Mobile and Baldwin counties ; which was accordingly signed by Mr. President.

Mr. Bagby, from the judiciary committee, submitted the following report :—The judiciary committee, to which was referred so much of the message of his Excellency the Governor as relates to the establishment of a Branch Bank of the United States in the city of Mobile, have had the same under consideration, and have instructed me to *report*—That although they have viewed with deep concern, and the most fearful apprehension, the various encroachments that are daily made in various forms upon the sovereignty of the individual states ; and although they participate strongly in the feeling which prevails for the successful operation and permanent prosperity of the Bank of the State of Alabama, yet, as the committee admit the power of the United States to establish branches in the respective States of this Union ; and inasmuch as the highest judicial tribunal known to the laws of the country, and the decisions of which form a part of the supreme law of the land, have determined that the General Government possesses this power, the committee respectfully desire to be discharged from the further consideration of this subject ; which was agreed to by the Senate.

Mr. Bagby, from the same committee, to which was referred a bill to be entitled an act to amend an act, entitled an act concerning wills and testaments, the settlement of intestate estates, and the duty of executors, administrators and guardians, *reported* that "it is in expedient to pass the bill:" which was concurred in.

Mr. Bagby, from the same committee, to which was referred a resolution instructing them to inquire into the propriety of passing a law

authorizing the Governor to appoint some suitable person to revise and consolidate the laws now in force in this state in relation to wills, the estates of intestates, the duty of executors, administrators and guardians, and report the same, together with such amendments as may be necessary, to the next General Assembly, *reported*, a bill to be entitled an act to authorize the Governor to appoint some suitable person to revise the laws in relation to wills, and the duties and legal accountability of executors, administrators and guardians; which was read. Ordered, that the bill be made the order of the day for a second reading to-morrow.

Mr. Bagby, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of so explaining and altering the 20th section of the revenue law, passed Dec. 17, 1821, as to compel the assessors and tax collectors to receive jury tickets and orders made by the County Courts on the county treasury, so far as the amount of the county revenue may extend, *reported* the same as inexpedient; which was concurred in.

Mr. Bagby, from the same committee, to whom was referred a bill to be entitled an act amendatory to an act to establish a certain county therein named, and for other purposes, *reported* the same with sundry amendments; which were concurred in. Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Gaines, from the committee on propositions and grievances, to which was referred the petition of Wm. A. Powell, *reported* a bill to be entitled, an act to authorize Wm. A. Powell to emancipate a certain person therein named; which was read, and ordered to a second reading to-morrow.

Mr. Crabb, from the military committee, made the following report:—The military committee, to whom was referred a paper which had been presented to the Senate as the report of the Quarter Master General, have examined the same, and can derive no information from it; and but for the incorrectness thereof, would suppose it to be the annual report of the Adjutant General. They therefore beg leave to return the same to the Senate; which report was agreed to.

Mr. Jackson offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law for the removal of the County Court Judges in the several counties in this state, with leave to report by bill or otherwise; which was adopted.

Engrossed bills to be entitled, an act to repeal an act passed on the 17th day of December, 1819, entitled an act to regulate the rate of interest, and for other purposes; an act to repeal in part an act to establish the town of Carthage, in Tuscaloosa county; and an act to change the mode of paying jurors in the several counties in this state, were severally read the third time and passed. Ordered, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for concurrence.

A bill to be entitled an act to prevent the Creek Indians from hunt-

ing on lands within the settled limits of this state, was read the second time, amended on Mr. Jones' motion, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to alter the state road from Selma to Cahawba, by way of the new bridge on Valley creek, was read the second time. Ordered, that it be made the order of the day for a third reading to-morrow.

A bill to be entitled an act to emancipate certain slaves therein named, was read the second time, and ordered to lie on the table.

A bill to be entitled an act to change the names and render legitimate certain persons therein named; and, an act to provide for taking the census of this state, were severally read the third time and passed. Ordered, That the bills be returned to the House of Representatives.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Tuesday, December 5, 1826.

The Senate met pursuant to adjournment.

Mr. Bagby, from the judiciary committee, to which was referred a resolution requiring them to inquire into the expediency of providing by law for the removal of County Court Judges in the several counties in this state, reported that although they are well satisfied that in many instances there is great inattention on the part of the Judges of the County Courts in the discharge of their official duties, they are of opinion that they can only be removed according to the mode pointed out in the 13th section of the 5th article of the constitution. They therefore ask to be discharged from the further consideration of the subject; which was agreed to.

Mr. Bagby, from the same committee, to which was referred a resolution in relation to the transfer of property by females, asked that the committee be discharged from the further consideration of the subject; which was agreed to.

Mr. Bagby, from the same committee, reported a bill to be entitled an act the better to define and fix the compensation of certain public officers therein named, and for other purposes; which was read, and ordered to a second reading to-morrow.

On motion of Mr. Bagby, Ordered, that he be excused from serving on the committee appointed on so much of the Governor's message as relates to the dividing line between this state and Georgia.— Ordered, that Mr. Casey be added to the committee.

A message from the House of Representatives by Mr. McClellan:

Mr. President, the House of Representatives have read three times and passed bills which originated in their House, entitled an act to permit defendants to plead a partial failure of consideration; an act to authorize the Judges of the County Courts and Commissioners of roads and revenue of Perry, Franklin and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid; an act to incorporate the Moulton Troop of Cavalry of Lawrence county; an act to incorporate a body of Freemasons at Claiborne, in Monroe county; an act to repeal in part and

amend an act concerning the execution of justice's warrants; an act to compensate witnesses attending magistrates courts; and, an act to alter the mode of appointing assessors and tax collectors, and for other purposes. In all of which they desire your concurrence.

All the bills mentioned in the above message were severally read the first time in the Senate, & ordered to a second reading to-morrow.

Engrossed bills to be entitled, an act amendatory to an act to establish a certain county therein named, and for other purposes; and, an act to prevent the Creek Indians from hunting on lands within the settled limits of this state, were severally read the third time and passed. *Ordered*, that the titles of the bills be as aforesaid, and that they be sent to the House of Representatives for concurrence.

A bill from the House of Representatives entitled an act to alter the state road leading from Selma to Cahawba, by way of the new bridge on Valley creek, was read the third time and passed. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act to authorize the Governor to appoint some suitable person to revise the laws in relation to wills and the duties and legal accountability of executors, administrators and guardians was read the second time. *Ordered*, that the bill be engrossed, and made the order of the day for a third reading to-morrow.

A bill to be entitled an act concerning the owners and keepers of mills and other water works, was read the second time, and referred to a select committee. Whereupon Messrs. Jackson, Casey and Clay were appointed the committee.

A bill to be entitled an act to authorize Wm. A. Powell to emancipate a certain person therein named, was read the second time, and ordered to lie on the table.

A bill to be entitled an act authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate, was read the second time. *Ordered*, that the bill be referred to the committee on the judiciary, to consider and report thereon.

A bill to be entitled an act for the relief of Mary Latham; and an act authorizing Benjamin F. Perry to emancipate a certain slave therein named, were severally read the second time, and ordered to lie on the table.

Mr. Sullivan offered the following resolution; *Resolved*, That the committee on schools and colleges, and school and college lands, be instructed to inquire into the expediency of memorializing the Congress of the United States on the subject of the sixteenth sections in each township in this state, praying the passage of an act of the Congress of the United States, authorizing the authorities of the state of Alabama to make sale of the sixteenth sections in each township, under such rules as Congress may prescribe; which was adopted.

Mr. Irwin introduced a bill to be entitled an act to compel clerks and sheriffs to keep their respective offices at the court houses of certain counties therein named; which was read, and ordered to a second reading to-morrow.

Mr. Casey called up the report and resolutions in relation to the purchasers of lots in Cahawba. The resolutions were read the second time, and again laid on the table.

Mr. Brown introduced a bill to be entitled an act to repeal in part an act entitled an act concerning jurors, and for other purposes, passed 20th Dec. 1815; which was read, and ordered to a second reading to-morrow.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Wednesday, Dec. 6, 1826.

The Senate met pursuant to adjournment.

Mr. Barton, from the select committee to which was referred so much of the Governor's annual message as relates to the boundary line between this state and Georgia, together with the accompanying documents, submitted a report.

The select committee to whom was referred so much of the communication of his Excellency the Governor, as relates to the permanent boundary between this state and the state of Georgia, together with the accompanying documents, have had the subject under consideration, and ask leave to report, That an attentive examination of the documents, including the correspondence between the commissioners of the two states, and a map of the Chatahoochie river, executed by Charles Lewis, Esq. under the instructions of the Executive, has led them to the conclusion, that the construction insisted upon by the commissioners of this state, is the only just and fair interpretation of which the "articles of agreement and cession" between the United States and Georgia is susceptible; and which was made the rule of their conduct by the resolution of the general assembly under which they acted. In reporting to the senate the unanimous opinion of the committee on the construction given to the aforesaid compact by our commissioners, they cannot refrain from expressing the gratification they have derived from the firm but temperate course pursued, and the conciliatory style maintained by them in their correspondence with the authorities of a sister state, throughout a difficult & delicate negotiation. It is due, however, to the Georgia commissioners to state, that the committee have discovered in the correspondence nothing on their part, calculated to disturb the harmony and good feeling which ought to subsist between the authorities and people of the two sister states, or which forbids the hope, that the equitable and amicable proposition which the committee feel it to be their duty to report to the Senate, will be acceded to by the government of Georgia. They therefore beg leave to submit the accompanying joint resolutions:

The same committee also reported a bill providing for the payment of the commissioners appointed to run the line. The joint resolution, in relation to the dividing line between this state and Georgia, reported by the select committee on that subject, were read and ordered to a second reading to-morrow.

A bill reported by the same committee, to be entitled an act to compensate the commissioners appointed by the governor for ascertaining and marking the permanent boundary line between this state and Georgia, was read the first time.

Ordered, That the bill be made the order of the day for a second reading to-morrow.

Mr. Bagby, from the committee on the judiciary, to which was referred a bill to be entitled, An act authorizing Sarah Bowie, administratrix of John Bowie, dec'd. to sell and transfer certain real estate, reported the same without amendment. *Ordered,* That the bill be read a third time to-morrow.

Mr. Clay, from the select committee to which was referred a bill to be en-

entitled, an act to change the time of holding the county courts in the county of Jefferson, reported the same without amendment. *Ordered*, That the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Gaines, from the committee on propositions and grievances, to which was referred the account of Daniel Ayres, reported a bill to be entitled an act for the relief of Daniel Ayres, which was read. *Ordered*, That the bill be made the order of the day for a second reading to-morrow.

Mr. Miller presented the account of the solicitor of the fifth judicial circuit, which was referred to the committee on accounts and claims.

Mr. Abercrombie, from the committee on county boundaries, to which was referred the petition of the inhabitants of Walker county, reported a bill to be entitled, An act to establish the permanent seat of justice in Walker county; which was read. *Ordered*, That the bill be read the second time to-morrow.

An engrossed bill to be entitled an act to authorize the Governor to appoint some suitable person to revise the laws in relation to wills, the duties and legal accountability of executors, administrators and guardians, was read the third time, and passed. *Ordered*, That the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

A message from the House of Representatives by Mr. McClellan.

Mr. President—The House of Representatives have read three times and passed bills, which originated in their house, entitled,—An act to establish a certain road therein designated: An act to divorce Olivia A. Taylor from John Taylor: An act authorizing the administrator of William McAlister, dec'd. to transfer a certificate therein named: An act to authorize the field officers of Marion county to form a company of militia in Kenedy's settlement: An act to divide the 42d regiment of the militia of this state: and An act to divorce William Bryant from Rhodicy Bryant: In all of which they ask the concurrence of your honorable body. The bills mentioned in the foregoing message were severally read the first time in the senate, and ordered to a second reading to-morrow.

A bill to be entitled, An act to repeal in part, an act entitled an act concerning jurors, and for other purposes, passed 20th Dec. 1815, was read the second time. *Ordered*, That the bill be referred to the committee on the judiciary, to consider and report thereon.

A bill to be entitled, an act to compel Clerks and Sheriffs to keep their offices at their respective court houses, in certain counties therein named, was read a second time. *Ordered*, That the bill be engrossed for a third reading to-morrow.

A bill to be entitled an act to permit defendants in all cases to plead a partial failure of consideration, was read the second time.

Mr. Bagby moved that the further consideration of the bill be indefinitely postponed, which was carried.

A bill to be entitled an act, to incorporate the Moulton troop of cavalry of Lawrence county, was read the second time, and referred to a select committee, consisting of Messrs. Clay, Jackson and Abercrombie.

A bill to be entitled an act to compensate witnesses attending magistrates courts, was read the second time. Mr. Abercrombie moved that the bill lie on the table till the first day of June next, which was lost. *Ordered*, That it be committed to a select committee; whereupon Messrs. McAmy, Miller, and Powell were appointed the committee.

A bill to be entitled, an act to repeal in part, and amend an act, concerning the execution of justices warrants, was read the second time.

Mr. Jackson moved, that the further consideration of the bill be indefinitely postponed, which was carried.

A bill to be entitled, an act to alter the mode of appointing assessors and tax collectors, and for other purposes, was read the second time.

Mr. Jackson moved that the bill lie on the table till the first day of June next, which was lost. Yeas 7—Nays 13.

The yeas and nays being called for. Those who voted in the affirmative are,—Mr. President, Jackson, M'Camy, Merriwether, Powell, Skinner, and Vanhooe—7.

Those who voted in the negative, are—Messrs. Abercrombie, Ashe, Bagby, Barton, Brown, Casey, Clay, Crabb, Gaines, Irwin, Jones, Miller and Sullivan.

Ordered, That the bill lie on the table.

A bill to be entitled an act to incorporate a body of free masons at Climborne, in Monroe county, was read the second time, and ordered to a third reading to-morrow.

A bill to be entitled an act to authorize the Judges of the county courts, and commissioners of roads and revenue of Perry, Franklin and Blount counties, to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid, was read the second time.

Mr. Brown moved to amend the bill by adding "Jefferson county," which was carried. *Ordered*, That the bill be read the third time to-morrow.

A bill to be entitled an act the better to define the compensation of certain public officers therein named, was read the second time. *Ordered*, That the bill be recommitted to the committee on the judiciary to consider and report thereon.

Mr. Powell, from the select committee, to which was referred the bill to be entitled, an act providing for the erection of a state capital, reported the same with sundry amendments, which were concurred in.

Mr. Bagby moved, that the bill lie on the table, and that one hundred copies thereof be printed for the use of the senate, which was lost. Yeas 9, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Abercrombie	Bagby	Casey	Jones	Sullivan—9
Ashe	Barton	Irwin	Miller	

Those who voted in the negative are,

Mr. President	Clay	Gaines	M'Camy	Powell
Brown	Crabb	Jackson	Merriwether	Skinner
				Vanhooe—11

So the motion was lost.

On motion of Mr. Powell, *Ordered*, That the bill be engrossed, and made the order of the day for a third reading to-morrow.

On motion of Mr. Crabb, *Ordered*, That one hundred copies of the bill be printed for the use of the Senate.

Mr. Casey called up the bill entitled an act to alter the mode of appointing assessors and tax collectors. *Ordered*, That it be referred to the committee on the judiciary, to consider and report thereon.

And then the Senate adjourned till to-morrow morning, at 10 o'clock.

Thursday, Dec. 7, 1826.

The Senate met pursuant to adjournment.

Mr. Abercrombie presented the decree of the circuit court of Covington county, exercising chancery jurisdiction, divorcing John Diamond from Lizzy Diamond; which was referred to the committee on divorce and alimony.

Mr. Jackson presented the petition of Chesney B. Rountree, asking compensation for taking the census of Lauderdale county in 1820, as deputy marshal; which was referred to the committee on propositions and grievances.

Mr. Barton presented the account of Henry Center against the Lafayette committee in Mobile; which was referred to the committee on accounts and claims.

Mr. Clay presented the petition of sundry merchants in the northern part of this state, praying a reduction of the tax on merchandise, and alledging the same as imposed by the Legislature of this state, to be unconstitutional, which was read and referred to the committee on the judiciary, with instructions to report as to the constitutionality of the tax on merchandise.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled:

An act to declare certain parts of the Choctawhatche and Pea Rivers, Public Highways: An act to incorporate the town of Decatur in Morgan county: An act to incorporate the Trustees of Greenville Academy in Butler county: and an act for the relief of Zephaniah Hicks. All of which were accordingly signed by Mr. President.

Mr. Jackson, from the committee on the state bank, to which was referred a resolution on the subject, reported joint resolutions, requiring the banks of Mobile and Tombeckbe, to report their situation to the General Assembly; which was read, and ordered to a second reading to-morrow.

Mr. Barton, from the committee on schools and colleges, and school and college lands, to which was referred a resolution instructing them to inquire into the expediency of memorializing the Congress of the United States on the subject of the section numbered sixteen in each township in this state, praying the passage of an act authorizing the authorities of the state of Alabama to make sale of such sections, under such rules as Congress may prescribe, reported joint resolutions instructing our Representation in Congress on the subject; which were read, and ordered to a second reading to-morrow.

Mr. Barton, from the same committee, to which was referred so much of the Governor's message as relates to education, and the primary schools, also reported joint resolutions on that subject; which were read, and ordered to a second reading to-morrow.

Mr. Barton, from the same committee, also reported a bill to be entitled an act to provide for the support and better regulation of common schools; which was read, and ordered to a second reading to-morrow.

Mr. Clay presented the claim of Hiram Sharpe; which was read, and referred to the committee on accounts and claims.

Mr. Skinner presented the account of William Murray, jailor of Franklin county; which was also referred to the committee on accounts and claims.

Mr. Clay, from the committee on inland navigation, to which was referred a petition on the subject, reported a bill to be entitled an act to improve the navigation of the Cahawba river; which was ordered to a second reading to-morrow.

Mr. President laid before the Senate a communication from Messrs. Way & Gideon, of Washington City, proposing to furnish this State

with the "Journals of the first American Congress;" which was read, and referred to a special committee, consisting of Messrs. Jackson, Casey and Abercrombie.

A message from the House of Representatives by Mr. McClellan.

Mr. President—The House of Representatives have adopted the following resolution, in which they desire your concurrence:

Resolved, That with the consent of the Senate, the two Houses will proceed, on Saturday next at 12 o'clock, to the election of a Trustee of the University of the 6th Judicial Circuit, to fill the vacancy occasioned by the resignation of Clement Billingslea, and that the west end of the Representative Hall be assigned for the reception of the Senate.

They have read three times and passed bills which originated in their House, entitled an act supplementary to the several acts heretofore passed in relation to the County Court for the county of Mobile, and for other purposes; an act to amend an act entitled an act to establish a permanent seat of justice in the county of Jackson, and for other purposes; an act to provide for the payment of petit jurors in certain counties therein named; an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement; an act to authorize Romeo Andre to emancipate certain slaves therein named; and an act to emancipate certain slaves therein named. In all of which they desire your concurrence.

Ordered, That the Senate concur in the resolution from the House of Representatives relating to the election of a Trustee of the University from the 6th circuit.

The bill mentioned in the above message, entitled an act to provide for the payment of petit jurors in certain counties therein named, was read, and ordered to lie on the table.

The remainder of the bills mentioned in the above message were severally read the first time, and ordered to a second reading to-morrow.

Mr. Bagby, from the select committee to which was referred so much of the Governor's message as relates to the death of the Ex-Presidents of the United States, Thomas Jefferson and John Adams, submitted the following report:—

The select committee to which was referred that part of the Governor's message which relates to the death of the Ex-Presidents of the United States, John Adams and Thomas Jefferson, beg leave to *Report*—That they have viewed with mingled emotions of grief and gratitude, that awful dispensation of the Supreme Ruler of the universe, by which two names, dear to patriotism, and consecrated to virtue and glory, have been stricken from the rolls of time—with grief for the loss which the people of the United States in particular, and the great family of mankind in general, have sustained in the death of these dear and venerated conscript fathers of the American republic—and gratitude to the all-wise Dispenser of events, for summoning them to "that house not built with hands," on a day the most celebrated in the annals of mankind—on that "great and glorious day,"

that they had so essentially contributed to render as immortal as time itself. It is impossible for your committee to recur to the memory of these illustrious men, without associating with it all that is dear to the American character, and with the recollection of the sainted patriots and sages who have gone before them, and over whose ashes the most precious tears of a grateful country have been shed. Identifying themselves with the early and perilous glory of their country, we see them, through the course of half a century, standing on an eminence covered with honor—through the dim distant lapse of that period, the latest accents of expiring patriots have been breathed out in prayers of gratitude for their matchless services; and succeeding generations, following upon the footsteps of that which was passing away, have risen up and called them blessed. The love, the honor, the gratitude, and heartfelt affection, of *one* nation, and the admiration of *all*, have been offered up as willing but humble tributes at the shrine of their talents and virtues. From that summit of earthly exaltation, they have been summoned, as your committee most fervently trust, and believe, to the realms of immortal glory. They are not dead, but removed. Dim and sightless are the eyes whose radiant and enlivened orbs once beamed with intelligence, and watched with sleepless anxiety through the perilous scenes of the revolution, over the ardent efforts of an oppressed and bleeding country—and closed forever are those lips on whose accents listening millions have hung with rapture. But from the darkness which rests upon their tombs, there shines a light which will serve as a lamp to the feet of those who are destined to walk in the high road of wisdom, of virtue, and glory. Their memories are embalmed in the affections of twelve millions of free people, and fame, proud of the task, has long since inscribed their names in imperishable characters on the brightest page of man's biography. Let us continue to cherish their memories with unceasing gratitude and affection—to imitate their example—to renew the pledge of fortune, life, and sacred honor, to the cause of our country, by which we shall preserve the beautiful fabric of liberty which we received at their hands, unimpaired, amidst the ruins of time, and the desolation of empires, and transmit it untarnished to those for whom we hold it in trust.

Your committee would do injustice to their own feelings, and to those of their fellow citizens of the Senate, if they were to withhold the expression of the deep sense of gratitude, and of the exalted respect, which they cherish for the services and character of the only proud and living monument of an age gone by, the honorable Charles Carroll. They beg leave to unite with their countrymen in general, in the prayer, that the evening of his life may be as serene and happy as the morning and meridian were useful and glorious.

Your committee beg leave, as an humble but sincere tribute of respect for the memories of John Adams and Thomas Jefferson, and for the character of the Hon. Charles Carroll, to recommend the adoption of the following Resolutions:

Resolved, Unanimously by the Senate, with the concurrence of the House of Representatives, That we, the representatives of the people of Alabama, do

and ever shall entertain for the memories of John Adams and Thomas Jefferson, the most sincere and devoted respect.

Resolved, That as a tribute of respect to the memory of John Adams and Thomas Jefferson, the members of the present General Assembly will respectively wear crape on the left arm for the space of three months.

Resolved, That the 27th day of this month be set apart, for the purpose of paying the last tribute of respect to the memory of John Adams and Thomas Jefferson: that the members will assemble in their respective houses, at the hour of 10 o'clock in the forenoon of said 27th day of December, and march in procession to the court-house in the town of Tuscaloosa.

And be it further Resolved, That a joint committee be appointed to procure some fit and suitable person, to pronounce an eulogy on the characters of these distinguished benefactors of their species: and to request some minister of the gospel, to address to the Throne of Grace a prayer suited to this awful and interesting occasion.

And be it further unanimously Resolved, That the members of this General Assembly, entertain the most exalted respect for the character, and cherish the deepest gratitude for the services of the honorable Charles Carroll, of Carrollton, the only surviving Signer of the Declaration of American Independence: and that the Governor of this State be requested to inclose to him a copy of these resolutions.

And be it further Resolved, That the Governor be, and he is hereby required, to request the Judges of the Supreme Court, and all other officers, civil and military, and the good people of this state, as a testimony of respect for the memory of their deceased fellow citizens, John Adams and Thomas Jefferson, and to wear crape on the left arm for the space of three months.

All of which resolutions were unanimously adopted.

In pursuance of the resolution providing that a joint committee be appointed to procure some fit and suitable person to pronounce an eulogy on the characters of Thomas Jefferson and John Adams, and to procure some minister of the gospel to address to the Throne of Grace a prayer suited to the occasion, Mr. President appointed a committee on the part of the Senate, to consist of Messrs. Barton, Gaines, and Casey. *Ordered*, That the Secretary inform the House of Representatives thereof.

An engrossed bill, to be entitled, an act to compel clerks and Sheriffs in several counties in this state, to keep their offices at the court houses of certain counties therein named, was read the third time and passed. *Ordered*, That the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

An engrossed bill, to be entitled an act to change the time of holding the county courts in Jefferson & Madison counties, was read the third time and passed. *Ordered*, That the title be as aforesaid, and that the bill be sent to the House for concurrence.

An engrossed bill, to be entitled, an act providing for the erection of a State Capitol, was read the third time & ordered to lie on the table till Tuesday next.

A bill, to be entitled an act to authorize the Judges of the county courts and commissioners of roads and revenues of Perry, Franklin, and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid.

An act authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate: and

An act to incorporate a body of free masons at Claiborne, in Monroe

county, were severally read the third time and passed. *Ordered*, That they be returned to the House of Representatives.

A bill, to be entitled an act to compensate the commissioners appointed by the governor, for ascertaining and marking the boundary line between this state and Georgia.

An act to establish the permanent seat of justice in Walker county; and Joint resolutions in relation to the boundary line between this state and Georgia, were severally read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act for the relief of Daniel Ayres, was read the second time, and referred to the committee on accounts and claims.

A bill to be entitled an act to divide the 42d regiment of the militia of this state; and an act authorizing the administrator of William M'Alister, deceased, to transfer a certain certificate therein named, were severally read the second time, and ordered to a third reading to-morrow.

A bill to be entitled an act to divorce William Bryant from Rhodicy Bryant; and an act to divorce Olivia A. Taylor from John Taylor, were severally read the second time, and referred to the committee on divorce and alimony, to consider and report thereon.

A bill to be entitled an act to authorize the field officers of Marion county to form a company of militia in Kennedy's settlement, was read the second time, and referred to the military committee.

A bill to be entitled an act to establish a certain road therein designated, was read the second time, and ordered to lie on the table.

Mr. Abercrombie offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of extending the jurisdiction, civil and criminal, over that part of the Creek nation of Indians within the limits of this state, acquired under the treaty at the Indian Springs; which was adopted.

Mr. Barton offered the following resolution: *Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of authorizing the auditing and settling the claims of Daniel Deval, deceased, late collector of taxes for Mobile county, against the state, on principles of justice and equity; which was adopted.

Mr. Powell offered the following resolution: *Resolved*, That the committee on roads, bridges and ferries be instructed to examine into the propriety of repealing the existing laws in relation to the apportionment of the hands to work on public roads, and require that duty to be performed by a board composed of a justice of the peace from each captain's beat in the respective counties, to be selected by the Court of Commissioners of roads and revenue, and report by bill or otherwise; which was adopted.

On motion of Mr. Powell, *Ordered*, that Mr. Merriwether have leave of absence from the Senate during the remainder of this week.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Friday, December 8, 1826.

The Senate met pursuant to adjournment

Mr. M'Camy, from the select committee to which was referred a

bill to be entitled an act to compensate witnesses attending magistrates' courts, reported the same as amended; which was concurred in. *Ordered*, That the bill be made the order of the day for a third reading to-morrow.

On motion of Mr. Powell, *Ordered*, that Mr. Vanhose have leave of absence from the Senate for the remainder of this week.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to provide for taking the census of this state; an act to change the names and render legitimate certain persons therein named; and, an act to alter the state road from Selma to Cahawba, by way of the new bridge on Valley creek: which were accordingly signed by the President.

Mr. Clay, from the select committee to which was referred the bill to be entitled an act to incorporate the Moulton Troop of Cavalry in Lawrence county, reported the same as amended; which was concurred in. *Ordered*, that the bill as amended be made the order of the day for a third reading to-morrow.

Mr. Sullivan, from the committee on divorce and alimony, to which was referred a bill to be entitled an act to divorce Olivia A. Taylor from John Taylor, and an act to divorce William Bryant from Rhodicy Bryant, reported the same without amendment. *Ordered*, that the bills be made the order of the day for a third reading to-morrow.

Mr. Brown offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of authorizing the Judges of the County Courts to empanel grand juries on the first day of the term, in cases of failure in the original panel; which was adopted.

Mr. Bagby introduced a bill to be entitled an act to repeal an act therein named; which was read, and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. McClellan.

Mr. President:—The House of Representatives have read three times and passed a bill which originated in the Senate, entitled an act to repeal in part an act to establish the town of Carthage, in Tuscaloosa county. They have read three times and passed bills which originated in their House, entitled an act to authorize solicitors to swear witnesses to send to the grand jury; an act to authorize the County Court of Wilcox county to levy an extra tax; an act better to provide for leasing the 16th section therein named; an act to keep in force an act for the registration of deeds, grants, &c.; and a joint resolution proposing certain amendments to the constitution of the United States. In all of which they desire your concurrence.

The bills and joint resolutions mentioned in the above message, were severally read the first time, and ordered to a second reading to-morrow.

Ordered, That the engrossed bill to be entitled an act to establish the permanent seat of justice in Walker county, lie on the table.

Ordered, That the bill to be entitled an act to compensate the commissioners appointed by the Governor for ascertaining and marking

the permanent boundary line between this state and Georgia, be committed to the same committee that reported it, to consider and report thereon.

Joint resolutions requiring the Banks of Mobile and Tombeckbe to report their situation to the General Assembly, were read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to improve the navigation of the Cahawba river, was read the second time, and referred to a special committee, consisting of Messrs. Sullivan, Casey and Bagby, to consider and report thereon.

Joint resolutions instructing our Senators and Representatives in Congress upon the subject of authorizing a sale of the sections numbered 16, for the use of schools in this state, were read the second time, and ordered to be engrossed for a third reading to-morrow.

Joint resolutions instructing our Senators and Representatives in Congress on the subject of exchanging certain lands for the use of schools in this state, were read the second time, amended, and ordered to be engrossed for a third reading to-morrow.

Engrossed joint resolutions relative to the boundary line between this state and Georgia, were read the third time, and ordered to lie on the table. *Ordered*, that 100 copies of the correspondence between the Commissioners of this State and that of Georgia, to determine and establish the permanent boundary between the two States, together with the instructions to our commissioners, be printed for the use of the Senate.

A bill to be entitled an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement; and, an act to divide the 42d regiment of the militia of this state, were severally read the second time, and referred to the military committee, to consider and report thereon.

A bill to be entitled an act to authorize the administrator of Wm. McAlister, deceased, to transfer a certain certificate therein named, was read the third time and passed. *Ordered*, that the bill be returned to the House of Representatives.

A bill to be entitled an act to authorize Romeo Andre to emancipate certain slaves therein named; and, an act to emancipate certain slaves therein named, were severally read the second time, and ordered to lie on the table.

A bill to be entitled an act to amend an act, entitled an act to establish a permanent seat of justice in Jackson county, and for other purposes, was read the second time. *Ordered*, that the bill be made the order of the day for a third reading to-morrow.

A bill to be entitled an act supplementary to the several acts heretofore passed in relation to the county court for the county of Mobile, and for other purposes, was read the second time. *Ordered*, that the bill be referred to the committee on the judiciary to consider and report thereon.

Mr. Sullivan, from the committee on divorce and alimony, to which was referred the decree of the circuit court of Covington county, reported a bill to be entitled an act to divorce John Diamond from Lizzy Diamond; which was read, and ordered to a second reading to-morrow.

Mr. McAlamy offered the following preamble and resolution:

Whereas there was thirty-five dollars appropriated by the last General As-

sently for the payment of Abisha Evans, for apprehending and prosecuting to conviction Adam Lowry, in the circuit court of Morgan county, for the crime of horse stealing, and the enrolling clerk of the House of Representatives, in enrolling the appropriation bill, inserted twenty-five instead of thirty-five, whereby he the said Evans was unable to draw from the treasury the sum he was entitled to—Therefore, be it *Resolved*, That the committee on propositions and grievances be instructed to inquire into the justice and propriety of allowing the said Evans ten dollars at the present session, the amount he is entitled to, with leave to report by bill or otherwise; which was adopted.

Mr. McCamy called up the bill to be entitled an act to amend the laws now in force for the punishment of malicious mischief. Ordered, that it be referred to the committee on the judiciary to consider and report thereon.

Mr. Barton called up the bill to be entitled an act to emancipate certain slaves therein named. Ordered, that the bill be engrossed for a third reading on Tuesday next.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, 9th Dec. 1826. The Senate met pursuant to adjournment.

Mr. Sullivan presented the petition of sundry persons of Bibb county, concerning the improvement of the navigation of the Cahawba river; which was read, and ordered to lie on the table.

Mr. Bagby, from the judiciary committee, to which was referred a bill to be entitled an act supplementary to the several acts heretofore passed in relation to the county court of the county of Mobile, reported the same without amendment. Ordered, that the bill be read the third time on Monday next.

Mr. Barton, from the select committee to which was referred a bill to be entitled an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this State and Georgia, reported the same as amended; which was concurred in. Ordered, that the bill be engrossed, and made the order of the day for a third reading on Monday next.

Mr. Bagby, from the judiciary committee, to which was referred a bill to be entitled an act to amend the laws now in force for the punishment of malicious mischief, reported the same as amended; which was concurred in.—Ordered, that the bill be engrossed, and made the order of the day for a third reading on Monday next.

Mr. Sullivan called up the bill to be entitled an act to provide for the payment of petit jurors in certain counties therein named. Ordered, that it be read the second time on Monday next.

Engrossed joint resolutions requiring the Banks of Mobile and Tombeckbe to report their situation to the General Assembly, were read the third time and passed. Ordered, that they be sent to the House of Representatives for concurrence.

Engrossed joint resolutions instructing our Senators and Representatives in Congress on the subject of exchanging certain lands reserved for the use of schools in this state, were read the third time, amended by way of rider, and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

A message from the House of Representatives by Mr. Tunstall:

Mr. President—The House of Representatives concur in the resolution of your hon. body, appointing a committee on your part to act with such committee as may be appointed on the part of the House of Representatives, to procure some fit and suitable person to pronounce an eulogy on the characters

of John Adams and Thomas Jefferson, and to request some minister of the gospel to address to the throne of grace a prayer suited to the occasion.— They have appointed on their part Messrs. M'Vay of Land Ross and Greening. They concur in the amendments made by your hon. body to the bill entitled an act to authorize the judges of the county courts and commissioners of roads and revenue of Perry, Franklin and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid. They have read three times and passed, bills which originated in their House, entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned; an act to make an appropriation for digesting and revising the militia and patrol laws of this state, authorized by the General Assembly at their last session; an act to amend an act entitled an act concerning roads, highways, bridges and ferries in the county of Mobile; and, joint resolutions proposing alterations in the constitution so as to have biennial instead of annual sessions of the legislature. In all of which they desire your concurrence.

A bill from the House of Representatives entitled an act to make an appropriation for digesting and revising the militia and patrol laws of this state, is authorized by the Gen. Assembly at their last session, was read the first time.

Mr. Crabb moved that the rule requiring bills to be read on three several days be dispersed with, and that the bill receive its second reading forthwith; which was lost—yeas 13, nays 5—a majority of four fifths being necessary.

The yeas and nays being desired, those who voted in the affirmative are

Mr. President	Brown	Gaines	M'Camy	Sullivan
Abercrombie	Casey	Irwin	Miller	
Bagby	Crabb	Jones	Skinner	

Those who voted in the negative are,

Mr. Ashe	Barton	Clay	Jackson	Powell
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So the motion was lost. Ordered, that the bill be made the order of the day for a second reading on Monday next.

The remainder of the bills and joint resolution mentioned in the above message were severally read the first time, and ordered to a second reading on Monday next.

Engrossed joint resolutions instructing our Senators and Representatives in Congress on the subject of authorizing a sale of the sections numbered sixteen, reserved for the use of schools in this state, were read the third time and passed. Ordered, that they be sent to the House of Representatives for concurrence.

A bill to be entitled an act to amend an act entitled an act to establish a permanent seat of justice in Jackson county, and for other purposes, was read the third time and passed. Ordered, that it be returned to the House of Representatives.

A bill to be entitled an act to divorce Olivia A. Taylor from John Taylor, was read the third time and passed unanimously. Ordered, that it be returned to the House of Representatives.

A message was received from the Governor, informing the Senate that he did, on the 8th inst. approve and sign an act to provide for an extra term of the circuit court in Mobile and Baldwin counties, which originated in the Senate.

A bill to be entitled an act to incorporate the Moulton Troop of Cavalry in Lawrence county, was read the third time as amended,

and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

Ordered, that the bill entitled an act to divorce William Bryant from Rhodicy Bryant, lie on the table.

A message was received from the House of Representatives by Mr. Tunstall their clerk, inviting the Senate to assemble in the Representative Hall, for the purpose of electing a Trustee of the University from the sixth judicial circuit. Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken their seats, Mr. President announced the object of the meeting: when the two Houses proceeded to elect a Trustee of the University from the sixth judicial circuit, to supply the vacancy occasioned by the resignation of Dr. Clement Billingslea. Dixon H. Lewis and Nimrod E. Benson being in nomination—For Mr. Lewis 34 votes, Mr. Benson 42.

Those who voted for Mr. Lewis are

Mr. President, Abercrombie, Bagby, Barton, Clay, Gaines, Jackson. (Reps.) Mr. Speaker, Bailey, Broadnax, Barclay, Crenshaw, Craig, Coc, Davis of Ja. Dubose, Edwards, Fluker, Heard, Harris, Lawler, m'Clung, Montgomery, Moore of Mad. Mead, Neill, Perkins, Parham, Ross, Rhodes, Raney, Smith of La. Terry, Whitfield—34.

Those who voted for Mr. Benson are

Messrs. Ashe, Brown, Casey, Crabb, Irwin, Jones, m'Camy, Miller, Skinner, and Sullivan. (Reps.) Messrs. Acklen, Ambrister, Bridges, Brown, Bell, Bradford, Brasher, Coopwood, Coleman, Davis of Fr. Dennis, Dupuy, Duke, Edmondson, Ellis, Ector, Greening, Johnson, Jones, Moore of Jack. m'Vay of Laud. m'Vay of Law. Martin, Massey, Pichens, Perry, Powell, Smith of Hen. Sims, Williams, Weissenberger, Walthall—42.

Nimrod E. Benson having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected a Trustee of the University from the 6th judicial circuit. The election being completed, the Senate withdrew, retired to their own chamber, and Mr. President resumed the chair.

And then the Senate adjourned till Monday morning at 10 o'clock.

Monday, December 11, 1826.

The Senate met pursuant to adjournment.

An engrossed bill to be entitled an act to amend the laws now in force for the punishment of malicious mischief, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the H. of Representatives for their concurrence.

A bill to be entitled an act to compensate witnesses attending magistrates' courts, was read the third time, and on the question, shall the bill pass? it was determined in the affirmative—yeas 11, nays 7.

The yeas and nays being desired, those who voted in the affirmative are Mr. President, Ashe, Bagby, Barton, Brown, Gaines, Jackson, Irwin, M'Camy, Powell and Sullivan—11.

Those who voted in the negative are, messrs. Abercrombie, Casey, Clay, Crabb, Jones, Miller and Skinner—7.

So the bill was passed. *Ordered*, that it be returned to the House of Representatives.

A bill entitled an act to authorize the county court of Wilcox county to levy an extra tax; joint resolution proposing amendments to the constitution of the United States; an act to authorize solicitors to swear witnesses to send to the grand jury; an act to make an appropriation for digesting and revising the militia and patrol laws of this state, as authorized by the General Assembly at their last session; an act more effectually to secure the compensation allowed by law to jurors therein mentioned; and, an act to amend an act, entitled an act concerning roads, highways, bridges and ferries in the county of Mobile, were severally read the second time, and ordered to a third reading to-morrow.

A bill to be entitled an act to keep in force an act for the registration of deeds, grants, &c. was read the second time, and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act to divorce William Bryant from Phedicy Bryant, was taken up, read the 3d time & passed—yeas 14, nays 5.

The yeas and nays being desired on the passage of the bill, those who voted in the affirmative are

mr. President	Brown	Jackson	McCamy	Skinner-13
Abercrombie	Crabb	Irwin	Miller	
Barton	Gaines	Jones	Powell	

Those who voted in the negative are

mr. Ashe	Bagby	Casey	Clay	Sullivan-5
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So the bill was passed. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act better to provide for leasing the 10th section therein named, was read the second time, and referred to the committee on schools and colleges, and school and college lands, to consider and report thereon.

A message from the House of Representatives by Mr. McClellan.

Mr. President—The House of Representatives have read three times and passed, bills which originated in their House, entitled an act to provide further for the probate of wills in this state; and, an act authorizing Francis Hamblin, a free man of color, to emancipate his daughter Susan. In which they desire your concurrence.

A bill from the House of Representatives entitled an act to provide further for the probate of wills in this state, was read the first time.—Mr. Jackson moved that the bill lie on the table till the first day of June next; which was carried.

A bill from the House of Representatives, entitled an act authorizing Francis Hamblin, a free man of color, to emancipate his daughter Susan, was read the first time. *Ordered*, that the bill be read the second time to-morrow.

An engrossed bill to be entitled an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary between this state and Georgia, was read the third time, and laid on the table.

A bill to be entitled an act to divorce John Diamond from Lizzy Diamond, was read the second time, and ordered to be engrossed for a third reading to-morrow.

Joint resolutions proposing alterations in the constitution so as to have biennial instead of annual sessions of the legislature, were read the second time, and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act to provide for the payment of petit jurors in certain counties therein named, was read the second time—Mr. Jones moved to amend the bill by inserting "Conecuh and Butler counties," which was carried. Ordered, that the bill be made the order of the day for a third reading to-morrow.

A bill to be entitled an act supplementary to the several acts heretofore passed in relation to the county court of the county of Mobile, and for other purposes, was read the third time. Mr. Jackson moved to reconsider the vote of the Senate on ordering the bill to a third reading; which was carried. Ordered, that the bill be committed to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act to repeal an act therein named was read the second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Sullivan presented the memorial of Charles Lewin, proposing to sell to the state a house in New-Town, known as the Alabama Hotel, for a State House at \$3500. Ordered, that the memorial lie on the table.

Mr. Bagby, from the judiciary committee, to which was referred a bill to be entitled an act the better to define the compensation allowed by law to certain public officers therein named, reported the same as amended; which was concurred in. Mr. Crabb moved further to amend the bill by striking out the 5th and 6th sections thereof, which provide that the Attorney General and one of the Solicitors of the state shall attend the regular and called sessions of the General Assembly, for the purpose of assisting the committees in drafting bills, &c.; which motion was lost—yeas 7, nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie, Ashe, Clay, Crabb, Irwin, Jones and Powell—6.

Those who voted in the negative are, Mr. President, Bagby, Barton, Brown, Casey, Gaines, Jackson, McCamy, Miller, Skinner and Sullivan—11.

Ordered, that the bill be engrossed for a third reading to-morrow.

Mr. Gaines, from the committee on propositions and grievances, to which was referred a resolution on the subject, reported a bill to be entitled an act for the relief of the legal representatives of Daniel Duval, deceased; which was read, and ordered to a second reading to-morrow.

Mr. Casey called up the bill to be entitled an act to establish a certain road therein designated, and offered an amendment to the

same; which was adopted. Ordered, that the bill be made the order of the day for a third reading to-morrow.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Tuesday, December 12, 1826.

The Senate met pursuant to adjournment.

Mr. McCamy called up the bill to be entitled an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia. Mr. Jackson offered an amendment to the bill by way of rider. Mr. Barton moved that the bill, together with the amendment, lie on the table, which was carried—yeas 17, nays 3.

The yeas and nays being desired, on the motion to lay the bill and amendment on the table, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Bagby, Barton, Brown, Casey, Clay, Gaines, Jackson, Irwin, Jones, Merriwether, Miller, Skinner, Sullivan and Vanhose.

Those who voted in the negative are, Messrs. Crabb, McCamy and Powell.

So the bill and amendment were laid on the table.

Mr. Bagby, from the judiciary committee, to which was referred a bill to be entitled an act supplementary to the several acts heretofore passed in relation to the county courts of the county of Mobile, reported the same with sundry amendments: all of which were concurred in. Ordered, that the bill as amended be made the order of the day for a third reading to-morrow.

Mr. Bagby, from the same committee, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of authorizing the judges of the circuit courts to empanel grand juries on the first day of the term in cases of failure in the original panel, reported, that it is inexpedient to pass such a law: which was concurred in.

Mr. Bagby, from the same committee, to which was referred a bill to be entitled an act to repeal in part an act entitled an act concerning jurors, and for other purposes, passed 20th Dec. 1815, reported, that it is inexpedient to pass the bill. Ordered, that the report, together with the bill, lie on the table.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to authorize the judges of the county courts and commissioners of roads and revenue of Perry, Franklin, Jefferson and Blount counties to appoint some suitable person to transcribe certain parts of the records of the county courts aforesaid; an act authorizing Sarah Bowie, administratrix of John Bowie, deceased, to sell and transfer certain real estate; and, an act to incorporate a body of free-masons at Claiborne, in Monroe county. All of which were accordingly signed by Mr. President.

A message from the House of Representatives by Mr. McClellan.

Mr. President—The House of Representatives concur in the amendment made by your hon. body to the bill entitled an act to incorporate the Moulton troop of cavalry in Lawrence county. They have

read three times and passed, a bill which originated in the Senate, entitled an act compelling clerks and sheriffs in several counties in this state to keep their offices at their several court houses. They have also read three times and passed, bills which originated in this House, entitled an act concerning appeals from the county to the circuit courts, and for other purposes; an act directing in what manner and in what courts suits may be brought against the state of Alabama; an act regulating appeals from justices of the peace; an act to amend an act, passed Dec. 20, 1820, amending an act passed 13th Nov. 1819, incorporating the town of Triana; a joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois, and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the legislature of New-Jersey recommending a system of foreign colonization; an act to compel the commissioners of the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town to the judge of the county court and commissioners of roads and revenue of Butler county; and, an act authorizing the election of certain officers in the town of Greenville, in Butler county. In all of which they desire your concurrence.

A bill from the House of Representatives, entitled an act, regulating appeals from justices of the peace was read the first time.

Mr. Jackson moved, that the bill lie on the table till the first day of June next; which was carried. The remainder of the bills and joint resolution mentioned in the foregoing message, were severally read the first time, and ordered to a second reading to morrow.

Mr. Crabb from the military committee, to which was referred the communication from his excellency the governor, in relation to the digest of the militia laws of this state as authorized by an act of the last general assembly, reported, "that they find the work well executed, and arranged in a manner calculated to be serviceable to the militia officers of the state. They, therefore, ask to be discharged from the further consideration of the subject;" which was agreed to.

Mr. Sullivan offered the following preamble and resolution:—Whereas, the good people of this state have with unprecedented patience and fortitude borne the heavy burthens imposed on them by the public authorities of the state of Alabama, by promptly paying the taxes assessed on them without murmur or censure on the General Assembly. They have done so with an ardent hope and desire, and in anticipation that the anticipated period would soon arrive, when the taxes may be reduced so far as would comport with the public interest; it is believed that a felicitous period has now rolled around; and at this time a considerable reduction may be made without compromising the public interest. And whereas, also, the seat of government of the State of Alabama has, under the provisions of the Constitution, been removed to the town of Tuscaloosa, at the last session of the General Assembly, and considerable dissatisfaction prevails among a large and respectable portion of the population of the state of Alabama, on the subject of such removal; and it being further considered by a respectable and large part of the population of this state—although at present in the minority, still it is believed, when the pre-bed limits of the state shall be settled, and the Indian title extinguished in

this state, a large majority of the ultimate population would be opposed to the seat of government remaining at Tuscaloosa, that an appropriation to erect a public edifice, comporting with the dignity and respectability of the state, would be an useless expenditure of the public treasure. and whereas, Charles Lewen, of the town of Tuscaloosa, has proposed by his memorial to the General Assembly to sell to the state of Alabama two lots, and a large and commodious house thereon, sufficiently spacious and convenient for the temporary accommodation of the general assembly for several years, for the sum of \$3,500. It is believed that the general assembly, from the present condition of the country, would act in furtherance of the public interest, in accepting and acceding to such proposal, owing to the languid and depressed situation of the agricultural and commercial transactions of the country; and that time should fairly test whether the permanent seat of government should remain at the town of Tuscaloosa.

Therefore, be it Resolved, by the Senate, that the judiciary committee be instructed to inquire into the expediency of accepting of the proposal of Charles Lewen, and providing by law to secure the title to said property as to them may seem expedient.

Mr. Powell moved that the preamble and resolution lie on the table: which was carried—Yeas 11—Nays 9.

The yeas and nays being desired—those who voted in the affirmative are
 Mr. President Clay Crabb Jackson Merriwether Skinner
 Brown Gaines McCamy Powell Vanhoose—11

Those who voted in the negative are
 Abercrombie Bagby Casey Jones Sullivan—9
 Ashe Barton Irwin Miller

So the preamble and resolution was laid on the table.

An engrossed bill, to be entitled, an act to divorce John Diamond from Lizzy Diamond, was read the third time, and passed by the requisite majority. *Ordered*, That the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence: a bill to be entitled, an act to repeal an act therein named, was read the third time, and ordered to lie on the table: an engrossed bill, to be entitled, an act to define and fix the compensation of certain public officers therein named, and for other purposes, was read the third time.

Mr. Crabb moved that the bill lie on the table till the first day of June next; which was lost. The question was then put—“shall this bill pass?” and determined in the affirmative—Yeas 11—Nays 9.

The yeas and nays being desired—those who voted in the affirmative are
 Mr. President Bagby Barton Gaines Irwin Sullivan
 Abercrombie Casey Jackson McCamy Vanhoose—11

Those who voted in the negative are
 Mr. Ashe Clay Jones Miller Skinner—9
 Brown Crabb Merriwether Powell

So the bill was passed—*Ordered*, That the title be as aforesaid; and that it be sent to the House of Representatives for concurrence: a bill to be entitled, an act for the relief of the legal representatives of Daniel Duval, dec'd. was read the second time, and ordered to lie on the table till to-morrow: a bill to be entitled, an act to provide for the payment of petit jurors in certain counties therein named: an act to amend an act entitled an act concerning roads, high-ways, bridges and ferries in the county of Mobile: and an act to make an appropriation for digesting and revising the militia and patrol laws of this

State, as authorised by the general assembly at their last session, were severally read the third time and passed.

Ordered, That the secretary inform the house of Representatives thereof.

The following communication was received from the governor by J. I. Thornton, Secretary of State:

EXECUTIVE DEPARTMENT, Dec. 12, 1826.

The Hon. the President and members of the Senate:

Gentlemen—The communication which I had the honor to lay before you at the commencement of your present session, only presented in general terms the difficulties to which the Bank of the State of Alabama might be exposed in consequence of the location of a Branch of the Bank of the United States in our principal commercial city. I now take the liberty, but with great deference, to submit such measures of security as have been suggested by long and most anxious reflection on a subject involving so many important considerations. The State has an opportunity, under the charter of the Mobile Bank, to subscribe \$100,000 of the authorized capital, and this amount the Bank is required to reserve for the state for a period of ten years. This subscription, should it be made, will be employed in the usual commercial and transaction business of that institution, and will tend greatly to accumulate at that commanding point, the means necessary to sustain the circulation of the local Banks. The remaining part of the capital, with such increase as the present exigency may require, can be employed at the seat of government, and some favorable point in the Valley of the Tennessee. The establishment of an Office of Discount and Deposit in that part of the state, could only increase the means by which any annoyance of a hostile or conflicting institution might be averted, or rendered perfectly harmless. Great opportunity would be then given to deal in exchange or other business paper.

The Bank at the seat of government might transact partly accommodation and partly commercial business. The office in the Tennessee Valley might be conducted on the same principles, and more or less of the one kind or the other business at both places might be done, as the perfect preservation of the good credit of the Bank would seem to direct. We should thus place ourselves in a situation to occupy the whole ground of commercial transaction from which our Bank must derive most of its security, at least during the crisis which may be now approaching; and still we shall prosecute our original purpose, which consulted the convenience of the people wherever it could be done without sacrifice of our principal objects. The main care at present ought not to be to realize large profits, but content with such gains as will give us good interest on the public funds, to sustain by accumulated and precautionary munitions, the security of our general operations. It is not deemed necessary to give these views in minute detail. We cannot be endangered by subdivision of our capital when we enlarge the theatre from which we must derive our defensive resources.

I beg leave also to recommend that a memorial be addressed to the Congress of the United States, that the Secretary of the Treasury should be directed, whenever land is offered for sale in this state, to advise the government of the different kinds of funds which would suit the convenience of the United States, and which might enable this State to redeem its paper before it would be transmitted from the land offices established among us to the Branch of the Bank of the United States. If the State should be able to redeem, with as little intervention of delay as is usual in the transmission of such funds, it is difficult to conceive that any objection would be made to the application.

The Bank of the State is founded upon solid capital, entrusted to the man-

agement of those who must principally suffer from its misdirection; and inviting the confidence of others by the most express and inviolable pledges of public faith. Under these circumstances, it cannot be doubted that the State has the power, as it is bound in duty, to sustain its operations.

In difficult conjunctures, bold, or at least decisive, measures are usually found to be most conducive to safety. I would also beg leave to suggest, that an increase of the capital of the Bank, to any extent which our means, and due attention to other objects will permit, would afford facilities at the present moment to preserve the interest and credit of the State Bank, and, by necessary connexion of advantage and security, the other monied institutions would be equally benefitted: All which is most respectfully submitted.

I have the honor to be, your ob't serv't.

JOHN MURPHY.

Ordered, That the above communication be referred to the committee on the State Bank, to consider and report thereon. And then the Senate adjourned till to-morrow morning at 10 o'clock.

Wednesday, December 13th, 1826.

The Senate met pursuant to adjournment.

Mr. Shackelford, a member elected to fill the vacancy caused by the resignation of James Jackson of Autauga and Shelby counties, appeared, was sworn in, and took his seat as a member of the Senate.

Mr. Barton presented the memorial of sundry citizens of the city & county of Mobile, praying a continuance of the criminal & civil jurisdiction of their county court, which was ordered to be laid upon the table.

Mr. Jackson introduced a bill to be entitled "an act explanatory of an act to provide for the election of justices of the peace and constables, passed Dec. 31st, 1822, which was read a first time, and ordered to a second reading on to morrow.

Mr. Miller introduced a bill to be entitled, an act to alter the time of holding the courts in the fifth judicial circuit, and for other purposes; which was read a first time, and ordered to a second reading on to morrow.

A message was received from the House of Representatives by Mr. McClellan, as follows:

Mr. President-- The House of Representatives concur in the amendment made by your honorable body to the bill, entitled an act to compensate witnesses attending magistrates courts. They have read three several times and passed a bill which originated in your honorable body, entitled an act to change the time of holding the county courts in Jefferson and Madison counties, and have amended the same in the manner herewith shewn; in which they desire your concurrence. They have read a third time and passed bills which originated in their house, of the following titles, to wit: an act to authorize the state of Alabama to make peremptory challenges in certain cases: an act prescribing the punishment of slaves and free persons of color for the commission of the crime of Manslaughter on other slaves or free persons of color: an act to repeal in part and amend an act entitled an act, concerning Wills, and the duty of executors, administrators and guardians, first passed March 12, 1823: and an act to incorporate the town of Russellville, in the state of Alabama; in which they also ask your concurrence. The Senate concurred with the House of Representatives in the amendment made by them to the bill to be entitled, an act to change the times of holding the county courts in Jefferson and Madison counties. *Ordered*, That the House of Representatives be informed thereof.

All the bills in the above message, except the two first mentioned, were severally read a first time, and ordered to a second reading to-morrow.

Mr. Shackelford presented the petition of sundry inhabitants of Cahawba valley and Shelby county, praying that the section of country described may be attached to Jefferson county; which was referred to the committee on county boundaries, to consider and report thereon.

Mr. Abercrombie presented the memorial of James W. Armstrong, setting forth a certain grievance he had sustained as tax collector of Montgomery county, which was referred to the committee on propositions and grievances, to consider and report thereon.

Mr. Merriwether presented the account of Pleasant Wright; which was referred to the committee on accounts and claims.

Mr. Barton moved to amend by way of rider, the bill to be entitled an act to emancipate certain slaves therein named, which was agreed to; and the bill as amended was read a third time, and passed. Ordered, That the title of the bill be as aforesaid, and that it be reported to the House of Representatives for their concurrence.

A bill to be entitled an act more effectually to secure the compensation allowed by law to jurors therein mentioned

An act to authorize the county court of Wilcox county to levy an extra tax; and an act supplementary to the several acts heretofore passed in relation to the county court for the county of Mobile, and for other purposes, were severally read a third time and passed. Ordered, That the House of Representatives be informed thereof.

Mr. Casey offered the following resolution, which was adopted:—*Resolved*, That the judiciary committee be instructed to enquire what right has vested in the town council of Tuscaloosa, by an act of Congress, passed May 26th, 1824, granting certain lots in the town of Tuscaloosa, known by the name of market-square, court-square, &c. &c. and whether the town council have a right to dispose of said lots for any other purposes than the one for which they were set apart, previous to the sale of lots in said town, by order of the United States.

A joint resolution, proposing certain amendments to the constitution of the United States, was read a third time and laid on the table till to-morrow.

Mr. Powell, of the committee on enrolled bills, reported as correctly enrolled: an act to make an appropriation for digesting and revising the militia and patrol laws of this state, as authorised by the General Assembly at their last session.

An act authorizing the election of certain officers in the town of Greenville, in Butler county.

A joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana; concurring with a resolution of the state of Ohio, proposing the emancipation of slaves; and a resolution of the legislature of New-Jersey, recommending a system of foreign colonization; and an act to compel the commissioners of the town of Greenville, in Butler county to transfer all papers relative to the lots of the said town to the judge of the county court, and commissioners of roads and revenue of Butler county, were severally read a second time, and ordered to a third reading on to-morrow.

An act concerning appeals from the county to the circuit courts, and for other purposes; and, an act directing in what manner and in what courts suits may be brought against the state of Alabama, were

severally read a second time, and referred to the judiciary committee to consider and report thereon.

An act passed 13th Nov. 1819, incorporating the town of Triana; and, an act authorizing Francis Hamblin, a free man of-color, to emancipate his daughter Susan, were severally read a second time, and ordered to be laid on the table.

Mr. Casey moved to take up the act to establish a certain road therein named, which was read a third time and passed. Ordered, that the House of Representatives be informed thereof.

An act, from the House of Representatives, to authorize solicitors to swear witnesses to send to the grand juries, was read a third time, and rejected.

Mr. McCamy introduced a bill to be entitled an act more effectually to prevent breaches of the peace; which was read a first time, and ordered to a second reading on to-morrow.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Thursday, December 14, 1826.

The Senate met pursuant to adjournment.

Mr. Miller presented the petition of sundry citizens of Madison county, residing in the north-east section thereof praying a change in the election precincts; which was ordered to be referred to a select committee, to consist of Messrs. Miller, McCamy and Grabb.

Mr. Sullivan presented the petition of sundry citizens and land holders residing on the Cahawba river and contiguous thereto, in relation to the navigation of said river; which was ordered to be laid on the table.

Mr. Sullivan, from the select committee to which it was referred, reported the bill to be entitled an act to incorporate the Navigation Company of the Cahawba river, with sundry amendments; which were concurred in, and the bill was ordered to be engrossed, as amended, for a third reading on to-morrow.

A message was received from His Excellency the Governor by James I. Thornton, Esq. Secretary of State, as follows:

EXECUTIVE DEPARTMENT, Dec. 12th, 1826.

The Hon. the President and members of the Senate.

Gentlemen—I have now the honor to transmit a statement of the improvements of the salt works in this state.

I have the honor to be, most respectfully, your ob't serv't,

(Signed)

JOHN MURPHY.

Ordered, that the foregoing message, together with the documents accompanying it, be referred to the select committee which was raised on that part of the Governor's annual communication which relate to the salt works of this state.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Friday, December 15, 1826.

The Senate met pursuant to adjournment.

Mr. Gaines presented the petition of E. Kennedy, administrator of Wm. Wright, deceased, praying authority to sell and convey a certain tract of land at private sale, the property of said Wright's estate;

which was referred to a select committee, to consist of messrs. Gaines, Camy and Clay.

Mr. Gaines presented the petition of E. Kennedy, judge of the county court of Clarke county, praying sundry alterations in the duties of judges of the county courts; which was referred to the judiciary committee to consider and report thereon.

Mr. Merriwether offered the following resolution, which was adopted: *Resolved*, that the committee on the state bank be instructed to inquire into the propriety of amending the charter of the Bank of the State of Alabama, so that the banking year shall hereafter commence on the first day of May in each and every year, thereby enabling the citizens of counties which have drawn more than their respective quota, to avail themselves of the proceeds of their crops, as the surplussage so drawn is to be paid into Bank on the first day of the banking year.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled, an act to amend an act, entitled an act to establish a permanent seat of justice in the county of Jackson, and for other purposes; an act to compensate witnesses attending magistrates courts; an act to incorporate the Moulton troop of cavalry of Lawrence county; an act authorizing the administrator of Wm. M'Alister, deceased, to transfer a certificate therein named; an act to divorce Olivia A. Taylor from John Taylor; and, an act to divorce William Bryant from Rhodiey Bryant.

Mr. Gaines, from the committee on propositions and grievances, introduced a bill to be entitled an act for the relief of C. B. Rountree; which was read a first time, and ordered to a second reading on to-morrow.

Mr. Bagby, from the judiciary committee, to which was referred a bill to be entitled an act concerning appeals from the county to the circuit courts, reported, that it is inexpedient to pass the same: In which the Senate concurred.

Mr. Bagby, from the same committee, to which was referred a bill to be entitled an act directing in what manner, and in what courts, suits may be brought against the state of Alabama, reported the same with sundry amendments; which were concurred in; and the bill, as amended, ordered to a third reading on to-morrow.

Mr. Bagby, from the same committee, to which was referred joint resolutions proposing alterations in the constitution so as to have biennial instead of annual sessions of the legislature, reported, that the judiciary committee consider it inexpedient to pass the same: to which the Senate disagreed.

The yeas and nays being requested, those who voted for a concurrence are, messrs. Abercrombie, Bagby, Barton, Brown, Casey, Gaines, Irwin, Merriwether, Powell and Sullivan—10.

Those who voted against it are, mr. President, Ashe, Clay, Crabb, Jackson, Jones, M. Camy, Miller, Shackletord, Skinner and Vanhoose—11.

So the Senate disagreed to the report of the committee.

The vote was then taken, shall the resolutions pass? and there not being the constitutional majority of two-thirds in favor, they were rejected.

Mr. Bagby, from the same committee, reported a bill to be entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes, with sundry amendments; which were concurred in; and the bill, as amended, ordered to a third reading on to-morrow.

Mr. Bagby, from the same committee, made the following report:

The judiciary committee, to which was referred that part of the Governor's message which relates to the St. Stephen's Steam Boat Company, beg leave to report, That, that corporation are now exercising powers under an authority supposed by them to be derived from an act of the legislature of their country; and whatever opinion the committee may entertain, as to the validity of the charter, or the extent of the powers granted by it, they are of opinion that these are questions properly cognizable before another department of the government. They therefore ask to be discharged from the further consideration of the subject: which was concurred in by the Senate.

Mr. Jacksen obtained leave to submit the report of Nicholas Davis, James Jackson, Clement C. Clay, and Thomas Fearn, commissioners appointed by the legislature of this state, at Cahawba, by an act passed 23d Dec. 1823, entitled "an act to appoint commissioners to improve the navigation of the Tennessee river;" and by an act supplementary thereto, passed on the 24th Dec. 1824—and also the report of the commissioners on the part of Tennessee and this state, in relation to the muscle shoals in the Tennessee river; which were ordered to be laid upon the table, and that five hundred copies thereof be printed.

On motion of Mr. Sullivan, *Resolved*, that the assistant secretary act as principal until the health of the principal will enable him to attend to his duties; and that some suitable person be employed by said assistant, to act as assistant, till the principal may be able to attend to the duties of his office.

Mr. Crabb, from the military committee, obtained leave to introduce a bill to be entitled an act to provide for the distribution of the public arms among the different volunteer corps in this state; which was read a first time, and ordered to a second reading on to-morrow.

Mr. Miller obtained leave to introduce a bill to be entitled an act prescribing the mode of probating the will of Francis Jones, deceased; which was read a first time, and ordered to a second reading on to-morrow.

Mr. Clay obtained leave to introduce a bill to be entitled an act for the relief of Andrew O. Horn; which was read a first time, and, on motion of the introducer, the constitutional requisition that bills be read on three several days being dispensed with, it received a second and third reading forthwith and passed. Ordered, that the title be as aforesaid; that the bill be engrossed, and sent to the House of Representatives for their concurrence.

Mr. Clay offered the following resolutions, which were received :

Resolutions, protesting against the exercise of implied, constructive and unconstitutional powers on the part of the Federal Government, and asserting the rights secured to the States respectively by the Constitution of the United States:

WHEREAS, it is of vital importance to the prosperity and existence of all free governments, that every grant of power should be exercised by the functionary to which it is particularly assigned; and that the limits of all powers should be fully known and established, according to the fundamental laws upon which said governments rest: *And whereas*, in the practical operation of the government of the United States, much difference of opinion exists as regards the relative powers of the States and Federal Government: *And whereas*, the powers claimed by the latter, have increased to an alarming extent, while those of the former have suffered a corresponding diminution: *And whereas*, the several states, as parties to the compact, which conferred all power on the general government, have the unquestionable right of expressing their decided disapprobation of any measure on the part of the general government which they conceive to be a violation of said compact: *And whereas*, a frequent recurrence to first principles, is essential to the correct adjustment of all political differences of opinion, and will serve as the surest guide in the exercise of all political power:

Be it therefore Resolved, That, in conjunction with the States of Virginia and South Carolina, as appears by resolutions passed during the last sessions of their respective legislatures, we strongly protest against the exercise by the general government, of implied and constructive powers, as having a tendency to destroy those rights which were reserved by the states respectively, as essential to their sovereignty, and being in their very nature unlimited in extent and uncontrollable in their operation.

Resolved, That we approve of the course pursued by the republican party, during the eventful crisis of ninety-eight and and ninety-nine, in opposition to the usurpations of the general government, claimed under the above described powers: that we believe the time has again arrived when it is necessary for the states to assert their constitutional rights, and with becoming firmness to resist the increasing progress of federal power

Resolved, That the imposition of taxes and duties by the Congress of the United States, for the purpose of protecting and encouraging domestic manufactures, is an unconstitutional exercise of power, and is highly oppressive and partial in its operation.

Resolved, That Congress has not the right, under the constitution, to adopt a general system of internal improvement in the states, as a national measure: and that it has not the right to tax the citizens of one state to carry on internal improvement in another.

Resolved, That the President of the United States has not the constitutional power to originate any foreign mission, or to appoint any foreign minister on such newly originated mission, but by and with the advice and consent of the Senate of the United States.

Resolved, That the abrogation of the treaty of the Indian Springs concluded in February, 1825, by the U. States commissioners and the Creek nation, without the consent of the governments of Georgia and Alabama, parties in interest, was a high-handed exercise of federal power, and an infringement of the sovereign rights of said states.

Ordered, That the foregoing preamble and resolutions lie upon the

table, and that two hundred copies thereof be printed for the use of the Senate.

Received, the following message from the House of Representatives by Mr. McClellan. *Mr. President*—The House of Representatives have adopted the following joint resolution, in which they ask the concurrence of your honorable body: *Resolved*, with the concurrence of the Senate, that a committee be appointed on the part of the House, consisting of five members, to act with such committee as may be appointed on the part of the Senate, to examine and select two or more of the most eligible sites for a State House within the corporate limits of the town of Tuscaloosa; and report such sites by some description by which they may be known or designated; also to inquire into and report where any lot or lots of land, which may have been donated within said town to the state, or for its use, on which to erect public buildings, or to be appropriated to defray the expenses of erecting public buildings, may lie, their size, &c.; also to inquire into and ascertain where one hundred acres of land lies which has been donated for public purposes as aforesaid, and report its metes and bounds and quality; with power to call on such persons, and for such papers, charts, &c. as may be necessary to furnish them with information to make such report as is contemplated in this resolution. They have appointed on their part a committee, consisting of messrs. Moore of Jack. Terry, Johnson, Coleman and Weissenger. The House of Representatives concur in the amendment made by your hon. body to the bill entitled an act to provide for the payment of petit jurors in certain counties therein named. They have also read three times and passed, bills which originated in their House, of the following titles, to wit: an act to amend an act, entitled an act to incorporate the town of Florence, in the state of Alabama; an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned; an act to allow Wm. Whorton to erect a mill on Wills creek, in St. Clair county; and, an act to authorize the trustees of certain sixteenth sections in Jackson county to lease them for any number of years not exceeding twenty: in which they also ask the concurrence of your hon. body.

Mr. Jackson moved to amend the resolution in the above message by adding to the end thereof the following: "and also to procure a plan or plans for said public buildings, and report the same to both houses of this General Assembly; which was adopted. The resolution was then concurred in as amended, and messrs. Jackson, Brown, Merriwether, Bagby and Powell appointed the committee on the part of the Senate.

The bills mentioned in the above message from the House of Representatives were severally read a first time, and ordered to a second reading on to-morrow.

The following message from the H. of Rep. by Mr. McClellan was received: *Mr. President*—The House of Representatives have read three several times and passed, bills which originated in their House of the following titles, to wit: an act to divorce Morgan Buck from

Lavinia Beck; and act to divorce Kelly Stegall from Nancy Stegall; an act to divide the 36th regiment of Alabama militia; an act to authorize the judge of the county court and commissioners of revenue and roads of Shelby county to levy an extra tax for the purpose of building a jail in and for said county; an act to authorize the citizens of Sommerville to elect a constable; an act to repeal in part and amend an act, entitled an act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Huntsville, approved January 9th, 1826: In all of which they ask the concurrence of your honorable body.

All the bills in the foregoing message were severally read a first time, and ordered to a second reading on to-morrow.

Bills to be entitled an act to alter the times of holding the courts in the fifth judicial circuit, and for other purposes; and, an act to repeal in part and amend an act entitled an act concerning wills, and the duty of executors, administrators and guardians, first passed March 12, 1803, were read a second time, and referred to the judiciary committee to consider and report thereon.

A bill to be entitled an act to compel the commissioners of the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town to the judge of the county court and commissioners of roads and revenue of said county, was read a third time and passed. *Ordered*, that the House of Representatives be informed thereof.

Mr. Jackson moved to reconsider the vote ordering to a third reading a joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois, and Indiana, concurring with a resolution of the state of Ohio proposing the emancipation of slaves, and a resolution of the legislature of New-Jersey recommending a system of foreign colonization; which was agreed to.

Mr. Bagby then moved to amend the preamble to said resolution by striking out the words "disrespectful and unwarrantable," and inserting in lieu thereof the words "impolitic and incompatible with the rights and interest of the slave holding states;" which was adopted, and the bill ordered to a third reading to-morrow.

A bill to be entitled an act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31st, 1823, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act more effectually to prevent breaches of the peace, was read a second time, amended on motion of Mr. M'Camy, and referred as amended to the judiciary committee to consider and report thereon.

A bill to be entitled an act to authorize the state of Alabama to make peremptory challenges in certain cases, was read a second time, and ordered to a third reading on to-morrow.

A bill to be entitled an act authorizing the election of certain officers in the town of Greenville, in Butler county, was read a third time

and passed. Ordered, that the House of Representatives be informed thereof.

A bill to be entitled an act to incorporate the town of Russellville, in the state of Alabama, was read a second time, and, on motion of Mr. Crabb, referred to a select committee, to consist of messrs. Crabb, Skinner and Vanhoose.

A bill to be entitled an act prescribing the punishment of slaves and free persons of color for the commission of the crime of manslaughter on other slaves or free persons of color, was read a second time, amended on motion of Mr. Bagby, and ordered to a third reading on to-morrow.

The following message from the Governor was received by James I. Thornton, Esq.

EXECUTIVE DEPARTMENT, Dec. 14, 1826.

The Hon. the President and members of the Senate:

Gentlemen—I have the honor to transmit you the report of the Commissioners appointed on the part of this State, agreeably to your resolution of the last session to adjust with the state of Mississippi the accounts remaining unsettled between the two states.

I have the honor to be, most respectfully, your ob't serv't,

(Signed)

JOHN MURPHY.

Ordered, that the foregoing message, together with the accompanying documents, be referred to the select committee raised on that part of his Excellency's annual message in relation to the unsettled accounts between this state and Mississippi.

Joint resolution proposing certain amendments to the constitution of the United States, was ordered to be referred to the judiciary committee to consider and report thereon.

Mr. Barton, from the joint committee of the two houses to whom was referred the joint resolutions for paying the last tribute of respect to the memories of John Adams and Thomas Jefferson, asked leave to report, That they have appointed the Hon. Arthur P. Bagby to pronounce a eulogy on the lives and characters of the illustrious deceased; and the Rev. Robert M. Cunningham to address a prayer to the throne of grace adapted to the solemn occasion, at the Methodist Church in the town of Tuscaloosa, at 12 o'clock M. on Wednesday the 27th instant, pursuant to the 4th resolution; and that the order of procession adopted by the committee in pursuance of the first resolution, will be published in the Alabama Sentinel for the information of all who may be disposed to unite with the public authorities in this interesting solemnity; which was concurred in by the Senate.

Mr. Miller called up the bill to be entitled an act to amend an act passed Dec. 20th, 1820, amending an act passed 13th Nov. 1819, incorporating the town of Triana; which was read a third time, amended on Mr. Powell's motion, and then passed. Ordered, that the bill as amended be reported to the House of Representatives for their concurrence.

On motion of Mr. Barton, the bill to be entitled an act for the relief of the legal representatives of Daniel Duval, was taken up. Mr.

Gaines moved to strike out all the bill save the caption, and substitute in lieu thereof an amendment which he offered; which was agreed to, and, on motion of Mr. Jackson, the bill and amendment were referred to the judiciary committee to consider and report thereon.

Mr. President laid before the Senate the following communication:

EXECUTIVE DEPARTMENT, Dec. 14, 1826.

The Hon. Nicholas Davis, President of the Senate:

SIR—I have the honor to request you to lay before the House in which you preside, the memorial of Seth Hunt, (which I have just received,) together with a letter received by this department from Mr. Hunt.

I am, most respectfully, your obedient serv't,

JOHN MURPHY.

Ordered, that the above communication and the accompanying documents be referred to the select committee on that portion of the Governor's annual message relative to the public salt works in this state.

On motion of Mr. Bagby, the resolutions in relation to purchasers of lots in the town of Cahawba, were ordered to be taken up.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Saturday, December 16, 1826.

The Senate met pursuant to adjournment.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to amend an act entitled an act concerning roads, highways, bridges and ferries in the county of Mobile; which was signed by Mr. President.

Mr. Miller presented the petition of Kelly Stegall, praying the passage of a law divorcing him from his wife Nancy; which was laid on the table.

Mr. Crabb, from the military committee, to which it had been referred, reported a bill to be entitled an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement, with an amendment, which was concurred in by the Senate, and the bill as amended ordered to a third reading on Monday next.

Mr. Crabb, from the same committee, to which was referred a bill to be entitled an act to divide the 42d regiment of the militia of this state, reported the same with sundry amendments; which were concurred in; and the bill as amended passed the Senate, and was ordered to be reported to the House of Rep. for their concurrence.

Mr. Crabb, from the same committee, to which was referred a bill to be entitled an act to authorize the field officers of Marion county to form a company of militia in Kennedy's settlement, reported the same without amendment; which was ordered to be laid on the table.

On motion of Mr. Crabb, the bill to be entitled an act providing for the erection of a state capitol was taken up. Mr. Bagby moved to lay said bill on the table for the present; which was agreed to.

Mr. Bagby, from the judiciary committee, to which the subject had been referred, made the following report—The judiciary committee, to which was referred a resolution instructing them to inquire what right has vested in the town council of Tuscaloosa under an act of Congress passed May 26th, 1824, granting certain lots in the town of

Tuscaloosa, known by the name of Market square, Court square, &c. and whether the town council have a right to dispose of the said lots for any other purpose than the one for which they were set apart previous to the sale of lots in said town, by order of the United States, beg leave to report; that they are of opinion that the United States thereby vested an indefeasible title in the town council of Tuscaloosa to said lots, and that said council have no power to dispose of them to the state; and that any disposition of said lots for any other purpose than that intended by Congress would be a violation of the act of donation, and an infringement of the rights of those who have purchased lots in said town. They therefore beg leave to recommend the adoption of the following resolution:

Resolved, as the opinion of this House, that the town council of Tuscaloosa have no power to sell or otherwise dispose of the grounds reserved to them by an act of Congress of the 26th May, 1824.

On motion to concur in the above report, the question was taken by yeas and nays, and decided in the negative.

Those who voted in the affirmative are, messrs. Abercrombie, Ashe, Bagby, Barton, Casey, Irwin, Jones, Miller, Shackelford and Sullivan—10.

Those who voted in the negative are, Mr. President, Brown, Clay, Crabb, Gaines, Jackson, McCamy, Merriwether, Powell, Skinner and Vanhose—11.

So the report and resolution were not concurred in by the Senate. Mr. Bagby then moved to take up the bill to be entitled an act providing for the erection of a state capitol. Mr. Jones moved to amend said bill by adding thereto the following: "Provided the capitol of the state of Alabama be located within ten miles of the centre of the chartered limits of the state, and Nicholas Davis, President of the Senate, Israel Pickens, and Governor Murphy, are hereby appointed to select the site of the state capitol—provided also the chartered limits of the town of Tuscaloosa be extended so as to embrace said public site. A division of the question being called for, and the yeas and nays being requested, the vote was taken on the first proviso in the amendment, which was lost.

Those who voted for its adoption are, messrs. Abercrombie, Ashe, Irwin and Jones—4.

Those who voted against it are, Mr. President, Bagby, Barton, Brown, Casey, Clay, Crabb, Gaines, Jackson, McCamy, Merriwether, Miller, Powell, Shackelford, Skinner, Sullivan and Vanhose—17.

Mr. Jones then moved for leave to withdraw the second part of his amendment, which was granted him; and the second proviso of the said amendment was withdrawn.

The question was then taken, shall this bill pass? and decided in the affirmative—yeas 11, nays 10.

The yeas and nays being requested, those who voted in the affirmative are
 Mr. President Clay Crabb Jackson Merriwether Skinner
 Brown Gaines McCamy Powell Vanhose—11

Those who voted in the negative are

Mr. Abercrombie Bagby
Ashe Barton

Casey
Irwin

Jones
Miller

Shackleford
Sullivan—10

So the bill passed. *Ordered*, that the title be as aforesaid, and that the bill be reported to the House of Representatives for their concurrence.

Mr. Powell obtained leave to introduce a bill to be entitled an act authorizing titles to the lands and town lots given to the state, by the citizens of Tuscaloosa, to be made to the Governor, for the use and benefit of this state; which was read a first time, and ordered to a second reading on Monday.

And then the Senate adj'd till Monday morning at 10 o'clock.

Monday, 18th Dec. 1826.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Vandike.

Mr. President—The House of Representatives concur in the amendment made by your honorable body to the bill entitled—"an act to amend an act passed Dec. 20th, 1820, amending an act passed 15th Nov. 1819, incorporating the town of Triana."

Mr. Jackson from the select committee, to whom was referred a communication from Messrs. Way & Gideon, proposing to sell to the Legislature, any number of copies of the "journals of the first American Congress," reported, "That they consider that the journals of that memorable and interesting period in our political history, would form a most valuable acquisition to our public library." The committee reported joint resolutions, providing for the purchase of three copies of the journals of the first American Congress; which was read and ordered to a second reading to-morrow. Mr. Powell presented the account of Ralls Perry against the state; which was referred to the committee on accounts and claims.

A message from the House of Representatives by Mr. McClellan.

Mr. President—The House of Representatives have read three times and passed bills which originated in the Senate, entitled—an act to divorce John Diamond from Lizzy Diamond; and an act to amend the laws now in force for the punishment of malicious mischief. They have also read three times and passed bills which originated in their house, entitled—an act for the relief of James Hall; an act to emancipate certain slaves therein mentioned; an act giving further time to persons holding claims against their respective counties to file the same; and an act to incorporate the Tuscaloosa library company—in all of which they desire your concurrence.

The bills mentioned in the foregoing message, which originated in the House of Representatives were severally read the first time in the senate, and ordered to a second reading to-morrow.

Mr. Barton presented the account of John Randal against the state; which was referred to the committee on accounts and claims.

Mr. Casey introduced a bill to be entitled, an act to repeal in part, an act passed at St. Stephens, 10th Feb. 1818, incorporating the St. Stephens steam boat company; which was read and ordered to a second reading to-morrow.

Mr. Vanhose introduced a bill to be entitled an act relative to certain officers in Fayette county, which was read, and ordered to a second reading to-morrow. Mr. Skinner presented the account of Peter Martin against the state, which was referred to the committee on accounts and claims.

Mr. Barton introduced a bill to be entitled, an act more effectually to provide for the execution of certain laws, which was read and ordered to a second reading to-morrow.

A message was received from the Governor, by Mr. Thornton, informing the senate, that Mr. James Taggart, recently elected Judge of the county court of Washington county, refuses to serve in that office; which was ordered to lie on the table.

Mr. Bagby introduced joint resolutions for ascertaining the sense of the good people of this state in relation to the permanent seat of their state government; which were read, and ordered to a second reading to morrow.

Mr. Shackelford offered the following resolution: Resolved, That it is expedient to locate the State University at the present session of the general assembly, and that the committee on schools and colleges, and school and college lands be directed to report a bill for that purpose. Ordered, That the resolution lie on the table.

Mr. Sullivan offered the following resolution: Resolved, That a committee be appointed on the part of the senate to act with such committee as may be appointed on the part of the House of Representatives to examine the treasury notes taken in by the state treasurer remaining in the treasury, with instructions after examining the same, to destroy the amount taken in, in the presence of said committee; and the sum so destroyed to report to each branch of the general assembly, which was adopted: Whereupon a committee was appointed on the part of the senate, to consist of Messrs Sullivan, Shackelford and Powell. Ordered, That the Secretary acquaint the House therewith.

Mr. Miller introduced a bill to be entitled, an act to repeal an act, passed Dec. 24th, 1824, to allow persons compensation for slaves executed in pursuance of law; which was read and ordered to a second reading to morrow.

The bill to be entitled an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia, was taken up.

The question was then put on the adoption of the amendment offered by Mr. Jackson to the bill, which is as follows: "Provided nothing herein contained will authorize the payment of money to any person other than those who were appointed by authority of law, nor for any services except those performed in conjunction with the commissioners appointed by the state of Georgia," and determined in the negative—Yeas 9—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are
 Mr. President Ashe Clay Merriwether Vanhose—9
 Abercrombie Bagby Jackson Miller

Those who voted in the negative are
 Mr. Barton Casey Crabb Irwin, Powell Skinner
 Brown Games Jones Shackelford Sullivan—11

So the amendment was rejected. Mr. Bagby then moved to reconsider the vote of the Senate, on ordering the bill to a third reading, which was carried. Ordered, That it be referred to a special committee: Whereupon, Messrs. Crabb, Jackson and Sullivan were appointed. Ordered, That the bill to be entitled, an act to incorporate the Cahawba river navigation company lie on the table till to morrow.

An engrossed bill to be entitled, an act explanatory of an act to provide for the election of a justice of the peace and constable, passed Dec. 31, 1822, was read the third time and passed.

Ordered, That the title of the bill be as aforesaid; and that it be reported to the House of Representatives for concurrence. And then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. The Senate met.

A bill to be entitled an act for the distribution of the public arms among the different volunteer corps in this state; an act prescribing the mode of

probating the will of Francis Jones, deceased; an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor for the use and benefit of the state; and, an act for the relief of C. B. Rountree, were severally read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement; an act directing in what manner and in what courts suits may be brought against the state of Alabama; a joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the legislature of New Jersey recommending a system of foreign colonization; and, an act prescribing the punishment of slaves and free persons of color for the commission of the crime of manslaughter on other slaves or free persons of color, were severally read the third time and passed. *Ordered*, that they be returned to the House of Representatives.

A bill to be entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes, was read the third time, and on the question, shall the bill pass? it was determined in the affirmative—yeas 12, nays 9.

The yeas and nays being desired, those who voted in the affirmative are—
 Mr Abercrombie Barton Clay Jones Samuels—12
 Ashe Brown Crabb Shackelford
 Bagby Casey Irwin

Those who voted in the negative are—
 Mr. President Jackson Merriweather Powell Vanhoose—9
 Gaines McCamy Miller Skinner

So the bill was passed. *Ordered*, that it be returned to the House of Representatives.

A bill to entitled an act to authorize the state of Alabama to make peremptory challenges in certain cases, was read the third time, and on the question, shall the bill pass? it was determined in the negative.

A message from the House of Representatives by Mr. Vandyke—

Mr. President—The House of Representatives have adopted the following resolution, in which they desire your concurrence: *Resolved*, that the Senate be informed that this House will, with their concurrence, proceed to elect a judge of the county court for the county of Washington, this evening, at the hour of 4 o'clock, and that the east end of the Hall be assigned for their reception.

Mr. Jackson moved to amend the resolution by striking out "four," and inserting "seven," so as to proceed to the election at 7 o'clock: which was carried. The resolution as amended was then agreed to. *Ordered*, that the secretary inform the House of Representatives thereof.

Bills to be entitled an act to repeal in part and amend an act entitled an act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Hantsville, approved Jan'y 6, 1826; an act to authorize the judge of the county court and commissioners of roads and revenue of Shelby county to levy an extra tax for the purpose of building a court house and jail in said county; an act to divide the 36th regiment of Alabama militia; an act to divorce Kelly Stegall from Nancy Stegall; an act to authorize Ebenezer Byrum to sell a certain tract of land on the terms and conditions therein mentioned; an act to authorize the trustees of certain sixteenth sections in Jackson county to lease them for any number of years not exceeding

twenty; an act to amend an act entitled an act to incorporate the town of Florence, in the state of Alabama; and, an act to allow Wm. Whorton to erect a mill on Wills creek in St. Clair county, were severally read the second time, and ordered to a third reading on to-morrow.

A bill to be entitled an act authorizing the citizens of Sommerville to elect a constable, was read the second time, and ordered to lie on the table.

A bill to be entitled an act to divorce Morgan Buck from Lavinia Buck, was read the second time, and referred to the committee on divorce and alimony.

A message was received from the House of Representatives by Mr. Vandyke, informing the Senate that they concur in the amendment made by the Senate to the resolution to go into the election of a judge of the county court of Washington county.

Mr. Sullivan called up the bill to be entitled an act for the relief of Mary Latham. *Ordered*, that the bill be read the third time to-morrow. And then the Senate adjourned till 7 o'clock this evening.

Seven o'clock. The Senate met.

Ordered, That Mr. Shackelford be added to the committee on schools and colleges, and school and college lands; also to the military committee; also to the committee on the judiciary.

Mr. Barton introduced a joint resolution authorizing the Governor to procure certain books for the use of the state; which was read, and ordered to a second reading to-morrow.

A message was received from the House of Representatives by Mr. Tunstall their clerk, inviting the Senate to assemble in the Representative Hall, for the purpose of electing a Judge of the County Court of Washington county. Whereupon the members of the Senate proceeded to the Hall of the House of Representatives, and after having taken their seats, Mr. President announced the object of their meeting; when the two Houses proceeded to elect a Judge of the County Court of Washington county, in the place of James Taggart, who refuses to serve. John H. Fitts alone being in nomination—For Mr. Fitts 62 votes. Those who voted for Mr. Fitts are

Mr. President, Ashe, Bagby, Barton, Brown, Clay, Crabb, Gaines, Jackson, Irwin, Jones, Merriwether, Miller, Powell, Skinner, Sullivan, Vanhooze. (Cops.) Mr. Speaker Aiklen, Bridges, Bailey, Brown, Broadnax, Bell, Bradford, Barelay, Orenshaw, Craig, Coc, Coopwood, Coleman, Davis of Fr. Davis of Ja. Dale, Dennis, Dupuy, Dubose, Duke, Ellis, Edwards, Harris, Jones, Lawler, m'lung, Montgomery, Moore of Jack. m'Way of Laul. m'Way of Law. Martin, Massey, Perkins, Pickens, Parham, Perry, Roberts, Smith of Hen. Smith of La. Sims, Terry, Weissenger, Walthall, Whitfield—62.

John H. Fitts having received all the votes present, was declared by Mr. Speaker to be duly elected judge of the county court of Washington county. The election being completed, the Senate withdrew, returned to their own chamber, and Mr. President resumed the chair: when, on motion, the Senate adj. till to-morrow morning at 10 o'clock.

Tuesday, December 19, 1826.

The Senate met pursuant to adjournment.

Mr. Bagby, from the judiciary committee, to which was referred a bill to be entitled an act concerning wills, guardians, administrators, &c. reported, that it is inexpedient to pass the bill; which was concurred in.

Mr. Bagby, from the same committee, to which was referred the joint resolutions proposing certain amendments to the constitution of the United States, reported the same as inexpedient, and that they ought not to pass; which was concurred in.

Mr. Bagby, from the same committee, to which was referred the memorial of Edward Kenedy, praying some alterations in the present county court system, so as to diminish the labor of the judges, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. Bagby, from the same committee, to which was referred a bill to be entitled an act the more effectually to prevent breaches of the peace, reported the same without amendment. Ordered, that the bill be engrossed and made the order of the day for a third reading to-morrow.

Mr. Bagby, from the same committee, to which was referred a bill to be entitled an act for the relief of the legal representatives of Daniel Davol, reported the same as amended; which was concurred in. Ordered, that the bill be engrossed for a third reading to-morrow.

Mr. Bagby offered the following resolutions:

Resolved, That the committee on the State Bank be instructed to inquire into the propriety of passing a law imposing a tax on the stock owned by individuals in the Branch Bank of the United States recently established in the city of Mobile.

Resolved, That the committee be further instructed to inquire into the expediency of passing a law authorizing the Banks of the State of Alabama and Tombeckbe to refuse to pay specie for their notes when runs are made on them by other institutions for speculative purposes.

Resolved, further, that the committee on the State Bank be instructed to inquire into the propriety of authorizing the receipt of 8 per cent on all loans to be made by the State and Tombeckbe Banks, after the first day of January next; which were adopted.

Mr. Bagby also offered the following resolution:

Resolved, That the military committee be instructed to inquire into the propriety of purchasing two four pounders for the use of Capt. C. O. Foster's company of artillery, belonging to — regiment of Alabama militia, with leave to report by bill or otherwise; which was adopted.

Mr. Barton presented the petition of Silas Dinsmore, jun. agent and attorney of the corporation styled the St. Stephens Steam Boat Company, proposing certain alterations and amendments of their charter of incorporation; which was read, and referred to a special committee. Whereupon messrs. Barton, Jackson and Gaines were appointed the committee.

Mr. Abercrombie, from the committee on county boundaries, to which was referred the petition of sundry inhabitants of Shelby county, praying that a part of the same may be added to Jefferson county, reported, that it is inexpedient to grant the prayer of the petitioners, inasmuch as it would reduce the county of Shelby below its constitutional limits; which was concurred in.

A message from the House of Representatives by Mr. McCallan.

Mr. President—the House of Representatives concur in the amendments made by your honorable body to the resolution appointing a committee to examine and select two or more of the most eligible sites for a state house within the corporate limits of the town of Tuscaloosa. They also concur in the amendment made by your honorable body to the bill entitled an act to divide the 42d regiment of the militia of this state. They disagree to the amendment made by your honorable body to the bill entitled an act supplementary to the several acts heretofore passed in relation to the county court for the county of Mobile, and for other purposes.

On motion, *Ordered*, that the Senate recede from their amendments to the above named bill, and that the House be informed thereof.

An engrossed bill to be entitled an act for the relief of C. B. Bonmtree, was read the third time, and on the question, shall the bill pass? it was determined in the affirmative—Yeas 12, nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Bagby, Barton, Brown, Casey, Clay, Gaines, Jackson, McCamy, Powell and Skinner.

Those who voted in the negative are, messrs. Ashe, Crabb, Irwin, Jones, Merriwether, Miller, Shackelford, Sullivan and Vanhose.

So the bill was passed. *Ordered*, that the title be as aforesaid, and that the bill be reported to the House of Reps. for concurrence.

Engrossed bills to be entitled an act prescribing the mode of probating the will of Francis Jones, deceased; and, an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor, for the use and benefit of the state, were severally read the third time and passed. *Ordered*, that the titles of the bills be acts, &c. as aforesaid, and that they be reported to the House of Representatives for concurrence.

The Senate resumed the consideration of the joint resolutions appointing commissioners to report on the claims of the first purchasers of lots in Cahawba in 1819, to the next General Assembly, and for other purposes. *Ordered*, that the resolution, together with the documents relating thereto, be referred to the committee on the judiciary to consider and report thereon.

Mr. Crabb moved to reconsider the vote of the Senate on ordering to a third reading to-day the bill entitled an act to provide for the distribution of the public arms among the different volunteer corps in this state; which was carried. The bill was then referred to a select committee, consisting of messrs. Crabb, Irwin and Vanhose, to consider and report thereon.

A bill to be entitled an act relative to certain officers in Fayette

county, was read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to repeal in part an act passed at St. Stephens, 10th February, 1818, incorporating the St. Stephens Steam Boat Company, was ordered to lie on the table.

Joint resolutions for ascertaining the sense of the good people of this state in relation to the permanent seat of their government, were read the second time. *Ordered*, that they be referred to a select committee: whereupon messrs. Bagby, Jackson and Gaines were appointed the committee.

Mr. Crabb, from the select committee to which was referred the bill to be entitled an act to provide for the distribution of the public arms among the different volunteer corps in this state, reported the same as amended; which was concurred in. The bill was then read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be sent to the House of Representatives for concurrence.

A bill to be entitled an act to divorce Kelly Stegall from Nancy Stegall, was read the third time and passed by a constitutional majority. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act more effectually to provide for the due execution of certain laws, was read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act to repeal an act passed Dec. 24, 1824, to allow persons compensation for slaves executed in pursuance of law, was read the second time. The question was put, shall the bill be engrossed for a third reading to-morrow? and lost.

A joint resolution providing for the purchase of three copies of the Journals of the First American Congress, was read the second time, and referred to a select committee, to consist of messrs. Barton, Jackson and Casey.

A joint resolution authorizing the Governor to procure certain books for the use of the state, was read the second time, and ordered to lie on the table.

Bills to be entitled an act for the relief of Mary Latham; an act to amend an act, entitled an act to incorporate the town of Florence in the state of Alabama; an act to divide the 56th regiment of the Alabama militia; an act to repeal in part and amend an act, entitled an act for the relief of the inhabitants of the first township, range seven, east of the basis meridian of Huntsville, approved Jan. 9, 1826; and, an act to authorize the judge of the county court and commissioners of roads and revenue of Shelby county to levy an extra tax for the purpose of building a jail in said county, were severally read the third time and passed. *Ordered*, that the bill be returned to the House of Representatives.

A bill to be entitled an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned, was read the third time and rejected.

A bill to be entitled an act to authorize the trustees of certain 16th

sections in Jackson county to lease them for any number of years not exceeding twenty, was referred to a special committee, consisting of Messrs M'Camy, Shackelford and Powell, to consider and report thereon.

A bill to be entitled an act to emancipate certain slaves therein mentioned, was read the second time, and ordered to lie on the table.

A bill to be entitled an act to authorize William Whorton to erect a mill on Wills creek in St. Clair county, was read the third time, amended, and passed—Yeas 17, nays 3.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Barton, Brown, Casey, Crabb, Gaines, Irwin, Jones, M'Camy, Merriwether, Miller, Shackelford, Skinner, Sullivan and Vanhooze.

Those who voted in the negative are, messrs. Clay, Jackson and Powell.

So the bill was passed. Ordered, that it be returned to the House of Representatives.

A bill to be entitled an act for the relief of James Hall, was read the second time, and referred to the committee on propositions and grievances to consider and report thereon.

A bill to be entitled an act giving further time to persons holding claims against their counties respectively to file the same, was read the second time, and ordered to a third reading to-morrow.

A bill to be entitled an act to incorporate the Tuscaloosa library company, was read the second time, and referred to a special committee, consisting of messrs. Powell, Barton and Brown, to consider and report thereon.

Mr. Vanhooze called up the bill to be entitled an act to establish the permanent seat of justice in Walker county. *Ordered*, that it be referred to a special committee, consisting of messrs. Vanhooze, Crabb and Powell, to consider and report thereon.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Wednesday, December 20, 1826.

The Senate met pursuant to adjournment.

Mr. Merriwether presented the petition and account of Pleasant Wright, jailor of Greene county; which was referred to the committee on accounts and claims.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to repeal in part an act, entitled an act to establish the town of Carthage in Tuscaloosa county; an act compelling clerks and sheriffs in certain counties in this state to keep their offices at their several court houses; an act to divorce John Diamond from Lizzy Diamond; and, an act to change the time of holding the county courts in Jefferson and Madison counties: all of which were accordingly signed by Mr. President.

Mr. Jackson, from the select committee to which was referred so much of the Governor's message as relates to the salt springs, together with other documents relating to the subject, reported a bill to be entitled an act authorizing an extension of the lease taken by South

Hort of the salt springs in Clark and Monroe counties; which was read, and ordered to a second reading to-morrow.

Mr. Jones offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the propriety of passing a law to prohibit sheriffs of this state from making up juries of rioters so long as any of the original panel are present, and preventing judges from dismissing jurors from service otherwise than by shewing a reasonable excuse why they should be dismissed, on oath; which was adopted.

Mr. Gaines, from the committee on propositions and grievances, to which was referred the petition of James W. Armstrong, reported a bill to be entitled an act for the relief of James W. Armstrong; which was read, and ordered to a second reading to-morrow.

Mr. Powell introduced a bill to be entitled an act providing a fund for the payment of petit jurors; which was read, and ordered to a second reading to-morrow.

Mr. Gaines, from the special committee to which was referred the petition of E. Kennedy, reported a bill to be entitled an act to authorize E. Kennedy, administrator of Wm. Wright, deceased, to sell real estate; which was read, and ordered to a second reading to-morrow.

A message from the House of Representatives by Mr. McClellan.

Mr. President, the House of Representatives concur in the amendment made by the Senate to the bill entitled an act to authorize the field officers of the 46th Regiment to form a company of militia in Broxton's settlement; they also concur in the amendment made by the Senate to the bill, entitled an act prescribing the punishment of slaves and free persons of color, for the commission of the crime of manslaughter on other slaves or free persons of color; and an act directing in what manner, and in what courts, suits may be brought against the State of Alabama; they disagree to the amendment made by the Senate to the bill, entitled an act to alter the mode of appointing assessors and tax collectors and for other purposes, by striking out the 2d section and inserting in its place, 'that the assessor and tax collector for the year 1827 shall be elected as heretofore provided by law,' they concur in the remainder of the amendments made by the Senate to the said bill: they also concur in the amendment made by the Senate to the joint resolutions of the Senate and House of Representatives of the State of Alabama, disapproving certain resolutions of the Legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the state of New Jersey recommending a system of foreign colonization; they also concur in the resolution of the Senate appointing a committee on their part, to act with such committee as may be appointed on the part of the House of Representatives to examine the Treasury notes taken in by the State Treasurer remaining in the Treasury, and have appointed a committee on their part to consist of Messrs Perry, Rainey, and Davis of Jackson; they have passed a bill which originated in the Senate, entitled an act for the relief of Andrew O. Horn.

Mr. Abercrombie moved that the senate recede from their amendment to the bill entitled, an act to alter the mode of appointing assessors and tax collectors, and for other purposes, by striking out the second section thereof, and inserting the words, "that the assessor and tax collector for the year 1827, shall be elected as heretofore provided by law; which was lost—Yeas 6, Nays 15.

The yeas and nays being desired, those who voted in the affirmative are
 Mr Abercrombie Brown Gaines Irwin Jones Shackelford

Those who voted in the negative are,

Mr. President	Barton	Crabb	Merriwether	Skinner
Ashe	Casey	Jackson	Miller	Sullivan
Bagby	Clay	McCamy	Powell	Vanhoose—13.

Ordered, That the Senate insist on the said amendment. *Ordered*, That the Secretary acquaint the House of Representatives therewith.

Mr. Bagby moved to reconsider the vote of the senate on the question to order to a third reading, the bill entitled, an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned; which was carried. *Ordered*, That the bill lie on the table.

Mr. McCamy from the select committee, to which was referred a bill to be entitled, an act to authorize the trustees of certain 15th sections in Jackson county to lease them for any number of years not exceeding twenty, reported the same to the senate. The bill was then read the third time and passed. *Ordered*, That it be returned to the House of Representatives.

Mr. Bagby from the committee on the judiciary, to which was referred joint resolutions, appointing commissioners to report on the claims of first purchasers of lots in Cahawba, in 1819, to the next General Assembly, and for other purposes, reported the same as amended; which was concurred in.

Mr. Jackson moved to strike out the first resolution, which is as follows:—"That the seat of government fund be set apart to remunerate the holders of lots bought at the first sale of Lots in the town of Cahawba, under a contract with the territory;" which was carried—Yeas 11, Nays 10.

The yeas and nays being desired on the motion to strike out, those who voted in the affirmative are,

Mr. President	Clay	Crabb	Jackson	Merriwether	Skinner
Brown	Gaines	McCamy	Powell	Vanhoose—11	

Those who voted in the negative are,

Mr Abercrombie	Bagby	Casey	Jones	Shackelford
Ashe	Barton	Irwin,	Miller	Sullivan—10

Ordered, That the resolution be engrossed for a third reading, to-morrow.

Mr. Clay presented the petition of sundry inhabitants of Lawrence county, praying that each county in this state may be furnished with two copies of the laws and journals of each session of Congress; which was read and referred to the select committee, to which the joint resolutions authorizing the purchase of certain books, for the use of the state, were referred.

Mr. Bagby introduced a bill to be entitled, an act to amend an act entitled an act, giving execution for costs in the supreme court; which was read and ordered to a second reading, to-morrow.

A message from the House of Representatives by Mr. Tunstall:

Mr. President—The House of Representatives have passed a bill which originated in the House, entitled—an act to alter the time of holding the county courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry and Conecuh; in which they desire your concurrence. The bill was read the first time in the Senate, and ordered to a second reading to-morrow.

An engrossed bill, to be entitled, an act to incorporate the Cahawba river navigation company was read the third time, amended by way of rider, and passed. *Ordered*, That the title of the bill be as aforesaid; and that it be reported to the House of Representatives for concurrence.

Mr. Crabb introduced a bill to be entitled, an act to incorporate the muscle shoal canal company; which was read, & ordered to a 2d reading to-morrow.

Mr. Barton, from the select committee, to which was referred the petition of Silas W. Moore, jr., agent of the St. Stephen's steamboat company, reported a bill to be entitled, an act concerning the St. Stephen's steamboat company, which was read, and ordered to a second reading to-morrow; and then the Senate adjourned till to-morrow morning, at 10 o'clock.

Thursday, December 21, 1826.

The Senate met pursuant to adjournment.

Mr. Barton presented the petition of sundry inhabitants of the city of Mobile, praying the passage of an act incorporating an insurance company in said city, to be called the State Insurance Company; which was read and referred to a special committee. Whereupon the committee was appointed, to consist of Messrs. Barton, Jackson, and Gaines.

Mr. Barton also presented the petition of sundry inhabitants of Mobile, praying that the petitioners and their associates may be incorporated under the title of 'the marine and railway insurance company;' which was read and referred to the select committee appointed on the above petition.

Mr. Gaines, from the committee on propositions and grievances, to which was referred the bill entitled, an act for the relief of James Hall, reported the same without amendment. *Ordered,* That the bill be read the third time to-morrow.

A message from the House of Representatives by Mr. McClellan.

Mr. President.—The House of Representatives concur in the amendment made by your honorable body, to the bill entitled, an act to allow William Whorton to erect a mill on Wills' creek in St. Clair county.

They have read a third time and passed a bill which originated in the Senate, entitled—an act authorizing titles to lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor for the use and benefit of the state. They have passed a memorial to Congress in relation to the public deposits in the branch bank of the United States at Mobile—in which they desire your concurrence.

The above memorial was read, and ordered to a second reading to-morrow.

Mr. Shackelford introduced a bill to be entitled, an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; which was read, and ordered to a second reading to-morrow.

Mr. Barton, from the select committee, to which was referred a joint resolution, providing for the purchase of three copies of the journal of the first American Congress, reported the same as amended; which was concurred in.

Ordered, That the resolution be engrossed for a third reading, to-morrow.

Mr. Barton, from the same select committee, to which was referred the petition of sundry citizens of Lawrence county, reported a joint a resolution authorizing the secretary of state to procure and distribute to each county in this state, two copies of the laws and journals of Congress, which was read, and ordered to a second reading to-morrow.

Mr. Crabb, from the select committee, to which was referred a bill to be entitled—an act to compensate the commissioners appointed by the governor for ascertaining and marking the permanent boundary line between this state and Georgia, reported the same as amended; which was concurred in. *Ordered,* That the bill be engrossed for a third reading to-morrow.

Engrossed bills to be entitled, an act more effectually to provide for the due execution of certain laws: an act for the relief of the legal representatives of Daniel Duval; and an act relative to certain officers in Fayette county, were severally read the third time, and passed. *Ordered,* That the titles of the bills

be as aforesaid, and that they be reported to the House of Representatives for concurrence.

An engrossed bill, to be entitled, an act more effectually to prevent breaches of the peace was read the third time — and on the question, 'shall the bill pass?' it was determined in the negative— Yeas 8, Nays 12.

The yeas and nays being desired, those who voted in the affirmative are

Mr. Crabb	Jones	Miller	Skinner
Irwin	McCamy	Powell	Vanhoose—3

Those who voted in the negative, are

Mr. President	Ashe	Bagby	Clay	Jackson	Shackleford
Abercrombie	Barton	Brown	Gaines	Merriwether	Sullivan—12

So the bill was rejected.

Engrossed resolutions, appointing commissioners to report on the claims of the purchasers of lots in Cahawba, in 1819, to the next General Assembly were read the third time, and ordered to lie on the table.

A bill to be entitled, an act giving further time to persons holding claims against their respective counties to file the same, was read the third time and passed. *Ordered*, That it be returned to the House of Representatives.

A bill to be entitled, an act to incorporate the muscle shoals canal company was read the second time, and referred to a select committee, consisting of messrs. Jackson, Crabb and Bagby, to consider and report thereon: a bill to be entitled, an act authorizing an extension of the lease taken by Seth Hunt, of the salt springs in Clarke and Monroe counties: an act to authorize E. Kenedy administrator of William Wright, dec'd. to sell real estate: and an act for the relief of James W. Armstrong, were severally read the second time, and ordered to be engrossed for a third reading to-morrow: a bill to be entitled, an act to amend an act entitled an act, giving execution for costs in the supreme court; and an act concerning the St. Stephens steamboat company, were severally read the second time, and referred to the committee on the judiciary, to consider and report thereon: a bill to be entitled, an act providing a fund for the payment of petit jurors, was read the second time— Mr. Sullivan moved that the bill lie on the table till the 20th of Jan. next; which was lost.

Ordered, That the bill be referred to the judiciary committee: a bill to be entitled, an act to alter the time of holding the county courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry and Crenshaw was read the second time. *Ordered*, That the bill be read the third time to-morrow.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled: an act for the relief of Andrew O. Horn, which was accordingly signed by Mr. President.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, December 22, 1826.

The Senate met pursuant to adjournment. Mr. Gaines presented the account of Grantland & Robinson, for printing done for the state before their election as printers to the state; which was referred to the committee on accounts and claims.

Mr. Vanhoose, from the special committee to which was referred the bill to be entitled, an act to establish the permanent seat of justice in Walker county, reported the same as amended; which was concurred in.

Ordered that the bill be engrossed for a third reading to-morrow.

Mr. Jackson, from the committee on the state bank, to which was referred a resolution, instructing them "to enquire into the propriety of amending the charter of the bank of the state of Alabama, so that the *banking year* shall

hereafter commence on the 1st day of May in each and every year, thereby enabling the citizens of counties which have drawn more than their respective quotas to avail themselves of the proceeds of their crops as the *surplusage* so drawn, is to be paid into the bank on the first day of the banking year," reported, that it is inexpedient to make the alteration proposed; which was concurred in.

Mr. Jackson from the same committee to which was referred a resolution instructing them to inquire into the propriety of establishing an office of discount and deposite of the state bank at Huntsville, reported that it is inexpedient to establish the same at their present session. Ordered, that the report lie on the table. Mr. Jackson, from the same committee to which was referred the petition of sundry inhabitants of Madison county, praying the establishment of a branch of the state bank in the northern part of this state, asked to be discharged from the further consideration of the subject; which was agreed to.

A message from the House of Representatives by Mr. Tunstall:

Ms. President—The House of Representatives have passed bills which originated in their House, entitled—an act to repeal in part and amend an act to fix the salary of the President of the bank of the state of Alabama, and for other purposes, passed January 14th, 1826: and an act supplementary to an act to establish a state university: In which they desire your concurrence.

The bills mentioned in the above message were severally read the first time, and ordered to a second reading to-morrow.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to amend the laws for the punishment of malicious mischief: an act to compel the commissioners in the town of Greenville, in Butler county, to transfer all papers relative to the lots of the said town, to the judge of the county court, and commissioners of roads and revenue of Butler county: an act more effectually to secure the compensation allowed by law to jurors therein named: an act to authorize the county court of Wilcox county to levy an extra tax: an act authorizing the election of certain officers in the town of Greenville, in Butler county: an act to establish a certain road therein designated: an act to provide for the payment of petit jurors in certain counties therein named: and an act to amend an act passed Dec. 20, 1820, amending an act passed 13th Nov. 1819, incorporating the town of Trianna—all of which were accordingly signed by Mr. President.

A message was received from the Governor by Mr. Thornton, informing the Senate that he did this day approve and sign—an act for the relief of Andrew O. Horn, which originated in the Senate: Engrossed bills and joint resolutions, entitled—an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia: an act authorizing an extension of the lease taken by Seth Hunt, of the salt springs, in Clarke and Monroe counties: an act for the relief of James W. Armstrong.

Joint resolution, providing for the purchase of certain books for the use of the state: and an act to authorize E. Kenedy, adm'r. of William Wright, deceased, to sell real estate, were severally read the third time and passed.

Ordered, That the titles be as aforesaid, and that they be reported to the House of Representatives for concurrence.

A bill to be entitled, an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; and joint resolution, authorizing the Secretary of state to procure and distribute to each county in the state, two copies of the laws and journals of Congress were severally read the second time, and ordered to be engrossed for a third reading to-morrow.

The following communication was received from the Governor, by J. I. Thornton, Esq.

EXECUTIVE DEPARTMENT, Dec. 21st, 1826.

The Hon. the President and members of the Senate:

Gentlemen—I hasten to lay before you a communication from the Governor, accompanied by a report and resolution of the Legislature, of the state of Georgia, on the subject of the line dividing this state and Georgia.

I have the honor to be, most respectfully, your obedient servant,

(Signed) JOHN MURPHY.

Ordered, That the communication and accompanying documents lie on the table.

A bill to be entitled, an act to alter the time of holding the county courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry, and Conecuh: and an act for the relief of James Hall, were severally read the third time and passed. Ordered, That they be returned to the House of Representatives.

A memorial to Congress in relation to the public depositories in the branch bank of the United States at Mobile, was read the second time.

Mr. Jackson moved, that the further consideration of the memorial be indefinitely postponed; which was lost.—Yeas 5—Nays 15.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Bagby, Barton, Jackson, Powell and Vanhousc.—5

Those who voted in the negative are—Mr. President, Abercrombie, Ashe, Brown, Casey, Clay, Crabb, Gaines, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner and Sullivan—16.

Ordered, that the memorial lie on the table.

Mr. Miller called up the bill to be entitled an act to authorize Ebenezer Byram to sell a certain tract of land upon the terms and conditions therein mentioned. The bill was then read the third time, and again laid on the table.

Mr. Barton, from the select committee to which was referred the petition of sundry inhabitants of Mobile, reported a bill to be entitled an act to incorporate the Mobile marine railway and insurance company; which was read, and ordered to a second reading to-morrow.

Mr. Jackson, from the select committee to which was referred the bill to be entitled an act to incorporate the mouse shoals canal company, reported the same as amended; which was concurred in. Ordered, that the bill lie on the table, and that 100 copies thereof be printed for the use of the Senate.

Mr. Barton introduced a bill to be entitled an act to provide for the translation and preservation of the Spanish records in this state; which was read, and ordered to a second reading to-morrow.

Mr. Brown presented the petition of George Morrow, and of sundry inhabitants of Jefferson county, praying the passage of a law authorizing the said George Morrow to construct a turnpike road from Elyton to Monteville; which was read, and referred to a special committee, consisting of messrs. Brown, Shackelford and Casey.

Mr. Shackelford presented the petition of sundry citizens of Shelby county, and Mr. Casey the petition of sundry citizens of Dallas county, on the same subject as the one from Jefferson. Ordered, that they be referred to the same special committee.

Mr. Brown introduced a bill to be entitled an act making it the duty of the Comptroller of Public Accounts to lay before both houses of the General Assembly, in the first week of its session, a fair expose of the disbursements made from the contingent fund; which was read and ordered to a second reading to-morrow.

Mr. Powell, from the select committee to which was referred the bill entitled an act to incorporate the Tuscaloosa library company, reported the same as amended; which was concurred in. Ordered, that the bill be read the third time to-morrow.

Mr. Barton called up the bill to be entitled an act to provide for the support and better regulation of common schools. Ordered, that it be referred to the com on the judiciary to consider and report thereon.

Mr. Brown moved to reconsider the vote of the Senate on the passage of the bill entitled an act more effectually to prevent breaches of the peace; which was carried. Ordered, that the bill lie on the table till Tuesday next.

And then the Senate adj'ned till to-morrow morning at 10 o'clock.

Saturday, December 23, 1826.

The Senate met pursuant to adjournment—And the President being absent in attending a meeting of the Trustees of the University, Mr. Casey was called to the chair—And the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. The Senate met—And the President being still engaged in attending a session of the Trustees of the University, Mr. Bagby was called to the chair.

Mr. Casey called up the joint resolution appointing commissioners to report on the claims of the first purchasers of lots in Cahawba in 1819 to the next General Assembly. The question was then put, shall the resolution pass? and determined in the affirmative. Ordered, that it be reported to the House of Representatives for concurrence.

Mr. Jackson called up the communication from the Governor of yesterday, transmitting certain documents in relation to the dividing line between this state and Georgia. Ordered, that the communication and documents be referred to the select committee appointed on so much of the Governor's annual communication as relates to the subject of the dividing line.

A message from the House of Representatives by Mr. McClellan.

Mr. President—The House of Representatives insist on their disagreement to the amendment made by your hon. body to the bill entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes, by striking out the 2d section, and inserting another in lieu thereof. They have appointed a committee on their part, to consist of messrs. Weissenger, Davis of Fr. and Terry, to confer with such committee as may be appointed on the part of your hon. body in relation to said amendment.

Ordered, that the Senate adhere to their amendment to said bill, and that a committee of conference be appointed on the part of the Senate. Whereupon the committee was appointed, to consist of messrs. Casey, Jackson and Powell.

A message from the Governor by Mr. Thornton. *Mr. President :* The Governor did on the 22d instant approve and sign the following bills : an act compelling clerks and sheriffs in certain counties in this state to keep their offices at their several court houses ; an act to divorce John Diamond from Lizzy Diamond ; an act to repeal in part an act to establish the town of Carthage in Tuscaloosa county ; and, an act to change the time of holding the county courts in Jefferson and Madison counties : all of which originated in the Senate.

Mr. Barton introduced a bill to be entitled an act to procure surveys, plans and estimates in relation to certain objects of internal improvement within this state ; which was read, and ordered to a second reading on Tuesday next.

Mr. Crabb, from the select committee to which was referred a bill to be entitled an act to incorporate the town of Russelville in the state of Alabama, reported the same without amendment. *Ordered*, that the bill be read the third time on Tuesday next.

Ordered, that messrs. Jackson and Gaines be added to the select committee appointed on so much of the Governor's message as relates to the dividing line between this state and Georgia.

Mr. Casey moved that the Senate adjourn till Tuesday morning at 10 o'clock, Monday being Christmas day ; which was carried—Yeas 11, nays 7.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Bagby, Brown, Casey, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Sullivan and Vanhoose.

Those who voted in the negative are, messrs. Abercrombie, Ashe, Barton, Clay, Miller, Powell and Skinner.

So the Senate adjourned till Tuesday morning at 10 o'clock.

Tuesday, December 26, 1826.

The Senate met pursuant to adjournment.

Mr. Jackson, from the committee on the judiciary, to which was referred a bill to be entitled an act for the support and better regulation of common schools, reported the same with several amendments ; which was concurred in. *Ordered*, that the bill lie on the table for one hour.

Mr. Powell presented the petition of sundry merchants and others of Limestone county in relation to the tax on merchandize ; which was referred to the committee on the judiciary.

Mr. Powell presented the account of Nathaniel Carrol against the state ; which was referred to the committee on accounts and claims.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled, an act authorizing titles to the lands and town lots given by the citizens of Tuscaloosa to the state to be made to the governor, for the use and benefit of the state ; which was accordingly signed by Mr. President.

Mr. Sullivan offered the following resolution :

Whereas it is believed by the General Assembly that in a variety of counties in this state a considerable defect appears from the returns made to exist, and that full and complete returns from many counties

on sales at auction, tax on playing cards, race tracks, licenses to hawkers and peddlars, and licenses to retailers and tavern keepers, have not been made by the tax collectors and assessors or the clerks of the county courts in the counties of this state, from many of the counties no returns have been made—Therefore,

Resolved, that a select committee be appointed to inquire into the causes, and report by bill or otherwise, an appropriate remedy for the existing evil; which was adopted. Whereupon messrs. Sullivan, Casey and Jackson were appointed the committee.

A bill to be entitled an act to procure surveys, plans and estimates in relation to certain objects of internal improvement within this state, was read the second time, and referred to a select committee, consisting of messrs. Jackson, Gaines and Sullivan to consider and report thereon.

A bill to be entitled an act to incorporate the town of Russelville in the state of Alabama, was read the third time, and recommitteed to the same committee to which it was referred heretofore, with instructions to strike out that part of the bill which authorizes the corporation to provide for regulating and licensing hawkers and peddlars, and to provide that said corporation may tax those licensed by law.

The following communication was received from the Governor by Mr. Thornton:

EXECUTIVE DEPARTMENT, Dec. 26, 1826.

The Hon. the President and members of the Senate.

Gentlemen—I have the honor to transmit you the annual Report of the Board of Trustees of the University of Alabama. The reports of the commissioners to class the university lands in the 1st and 2d judicial circuits have been recently received, and as they place a value, from examination, on these lands, which may not equal the fond expectation of the General Assembly, or the community, I have thought it a duty incumbent on me, to lay them before you, that I may receive such direction as your wisdom may suggest. In a matter so important, and to further an object so interesting as that of the education of the country, the united wisdom and discretion of the public authorities should be employed, when it can be obtained with convenience, to give the greater certainty and effect to the most judicious arrangements. It is proper however to observe, that, according to the best view which I can take of this subject, I shall offer the lands for sale, under the authority given me by law, unless your sound discretion may suggest a better course. I cannot but believe that the examination which has been made gives us correct information of the value of these lands, and that the interest of the University would be promoted by a sale at auction, and afterwards by entry, under the minimum valuation. I beg leave very respectfully to request, that this subject may engage your attention as soon as may be consistent with your other duties, that the lands may be advertised for sale the last of February or early in March next, giving as ample time as possible for the requisite publicity of such sale. The university lands in the 3d judicial circuit have been offered for sale, a small portion only has been sold, and the rest is now liable to entry under the classification which has been made. There is reason to believe that a considerable portion of it will be entered when the planters of the country can obtain the command of their annual funds. The commissioners of the 6th judicial circuit have made several fruitless attempts to get together,

but have failed in each on account of their living at a distance from each other. The commissioners of the 2d judicial circuit classed some university lands in the 3d circuit, because the line dividing the contiguous counties in the circuits, was not distinctly perceived, and that it would be confusing to separate the plots in such cases. The same good information it is believed has been received, and it may be proper to give the sanction of your authority for this incidental non conformity to the letter of the law.

I have the honor to be, most respectfully, your ob't serv't,

(Signed)

JOHN MURPHY.

The following is the report of the Trustees of the University mentioned in said communication :

The Board of Trustees of the University of Alabama respectfully submit their Annual Report to the General Assembly. The financial situation of the Institution will be seen from the following statement, to wit:

CAPITAL STOCK,			\$227,024 52 1-2
Six per cent stock of the State of Alabama,	\$84,337 82 1-2		
Bonds outstanding for deferred payments on lands sold,	-	-	142,481 07 3 4
Cash in the Treasury of the State,	-	205 62 1-4	
No lands having been sold since the date of the last annual report, the capital stock remains in amount as then stated.			
The only change effected being the collection on bonds for deferred payments of lands sold, to the amount of			
	-	4,218 15 1-2	
Which, added to the amount in the state treasury on the 24th Dec'r. 1825, of	23,712 34 3-4		
Make the amount of	-	27,930 50 1-4	
With which state stock has been purchased, to the amount of	-	27,724 88	
Leaving of capital stock in the treasury of the state on the 20th Dec'r. 1826, the sum as above stated, of	-	205 62 1-4	

INCOME FUND,	-	-	\$68,235 29 3-4
Viz: Cash in the treasury on the 24th December, 1825,	-	-	9,327 60 1-4
Interest on state stock,	-	-	4,459 99
Amounts received on rents of lands,	-	820 41 1-2	
Amount of interest received on deferred payments for lands sold,	-	1,111 05	
Interest now due on outstanding bonds for the purchase of lands	-	3,499 70	
Interest bonds now due,	-	1,468 61	
Interest bonds not yet due,	-	37,587 93	
Amount due on bonds for leases and rents.			

The Board are not in possession of the returns of all their agents, which would be necessary to arrive at any degree of certainty as regards this item: they however are induced to suppose its amount about the same as reported last year, viz:

- - - - - 10,000 00

From which, disbursements have been

made since the 24th Dec'r. 1825, to
the amount of - - - - -

911 80 3-4

Leaving a balance of - - - - - \$67,343 49

Of which amount there is cash in the

Treasury, - - - - - \$14,788 25

Bonds for Interest, leases, &c. - - - 67,343 49

The Board of Trustees respectfully suggest to the General Assembly, that they have had under consideration the expediency of locating the University—that their best reflections have led them to the conclusion that no practical utility can arise by a postponement of the location thereof. They believe that the situation of our finances, and the superior claims of the growing youth and prosperity of our state, unite in pressing the expediency of commencing the great work. They also beg leave to represent to your honorable body, that section 12, containing 638 84-100 of an acre—the north-east quarter of section 17, containing 159 11-100 of an acre; and the east part of the north-east quarter of section 34, containing 106 12-100 of an acre, situate in township 4, range 11, west, in the Huntsville land district, patented to the trustees of the university of Alabama, on the 16th July, 1824, have been subsequently sold by the United States to individuals, who are now in peaceable possession thereof, and have made considerable and valuable improvements thereon. They are of opinion that a selection could be made which would quiet the possession of innocent and bona fide purchasers. They therefore, respectfully submit to your honorable body the propriety of memorializing the Congress of the United States to permit the trustees of the university of Alabama to make a selection of other lands in lieu thereof. They also beg leave to state to your honorable body, that the commissioners appointed to class the land of the university in the first and third circuits, have performed their duty; but that those who were appointed to class the lands in the second, fourth and sixth circuits, have failed to do so—That as yet, there has been no sale under the classification. They respectfully submit the propriety of passing a law authorizing the President of the Board of Trustees to make the appointment of Commissioners. All which is respectfully submitted. By order of the Board,

JOHN MURPHY, President.

Ordered, that the communication and accompanying documents be referred to the committee on schools and colleges and school and college lands, and that 200 copies of the report of the trustees be printed for the use of the Senate.

A bill to be entitled an act to authorize Ebenezer Byram to sell a certain tract of land on the terms & conditions therein mentioned, was read the third time, and ordered to lie on the table till Saturday next.

Engrossed bills entitled an act to establish the permanent seat of justice in Walker county; an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; and, joint resolutions providing for the purchase and distribution to each county of two copies of the acts and resolutions of Congress, were severally read the third time and passed. *Ordered*, that they be reported to the House of Representatives for concurrence.

A message from the House of Representatives by Mr. Vandyke.

Mr. President—The House of Representatives have passed a bill which originated in the Senate, entitled an act to compensate the

commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia.

A bill to be entitled an act to incorporate the Mobile marine railway and insurance company, was read the second time, and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled, an act to provide for the translation and preservation of the Spanish records in this state; and an act making it the duty of the comptroller of public accounts to lay before both houses of the general assembly in the first week of its session, a full expose of the disbursements from the contingent fund, were severally read the second time, and ordered to be engrossed for a third reading to-morrow: a bill to be entitled, an act supplementary, to an act, to establish a state university was read the second time, and ordered to a third reading to-morrow.

A bill to be entitled an act to repeal in part and amend an act to fix the salary of the president of the Bank of the State of Alabama, and for other purposes, passed Jan. 14th, 1826, was read the second time. Mr. Clay moved that the further consideration of the bill be indefinitely postponed, which was carried.

A bill to be entitled an act to incorporate the Tuscaloosa library company, was read the third time and passed. Ordered, that the bill be returned to the House of Representatives.

Mr. M'Camy moved to reconsider the vote of the Senate on ordering to a third reading the bill entitled an act more effectually to prevent breaches of the peace, which was carried. Ordered, that it be referred to select committee—Whereupon Messrs. M'Camy, Miller and Merriwether were appointed.

The Senate resumed the consideration of the bill entitled an act to provide for the support and better regulation of common schools.—Ordered, that the bill be recommitted to the committee on the judiciary.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled, an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia; which was accordingly signed by Mr. President.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Wednesday, December 27, 1826.

The Senate met pursuant to adjournment.

Mr. M'Camy moved that the Senate adjourn till half past eleven o'clock to-day; which was lost.

Mr. Jones offered the following resolution: Resolved by the Senate, with the concurrence of the House of Representatives, that they will adjourn sine die on Saturday next; which was carried.

Mr. M'Camy, from the select committee to which was referred the bill to be entitled an act more effectually to prevent breaches of the peace, reported the same as amended; which was concurred in. The question was put, shall the bill be made the order of the day for a third reading to-morrow? and carried—Yeas 12, nays 6.

The yeas and nays being desired, those who voted in the affirma-

divers, Mr. President, Ashe, Brown, Clay, Crabb, Jackson, McCamy, Smith, Miller, Plover, Skinner and Vanhooze—12.

Those who voted in the negative are, messrs. Abercrombie, Casey, Gaines, Jones, Shackelford and Sullivan—6.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have read a third time and passed a bill which originated in your hon. body, entitled an act providing for the erection of a state capitol, and have amended the same in the manner herewith shewn: in which amendment they desire your hon. body to concur. They have read a third time and passed a bill which originated in their House, entitled an act to establish a ferry, and appoint commissioners to lay out a certain road therein named: in which they also desire your concurrence.

Ordered, that the bill entitled an act providing for the erection of a state capitol, together with the amendment made thereto by the House of Representatives, lie on the table till to-morrow.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Thursday, December 28, 1826.

The Senate met pursuant to adjournment.

Mr. Gaines presented the petition of John McGrew, and of sundry others in his behalf, praying that the said John McGrew may be relieved against the payment of a judgment obtained by the state against him as security for the appearance at court of one James Callar, charged with a criminal offence; which was read, and referred to the committee on propositions and grievances.

A bill to be entitled an act to establish a ferry and appoint commissioners to lay out a certain road therein named, was read, and ordered to a second reading to-morrow.

Mr. Miller introduced a bill to be entitled an act to establish an office of discount and deposite of the Bank of the State of Alabama in the Tennessee valley; which was read the first time. Mr. Jackson moved that the bill lie on the table till the first day of June next; which was carried—Yeas 11, nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Bagby, Barton, Brown, Jackson, Jones, Shackelford, Sullivan and Vanhooze—11.

Those who voted in the negative are, messrs. Casey, Clay, Irwin, McCamy, Miller and Skinner—6.

Mr. Casey, from the committee of conference appointed on the part of the Senate to confer with the committee on the part of the House of Representatives, on the disagreement between the two Houses on a bill to be entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes, reported, that they have had a meeting, and that the committee on the part of the House of Representatives have agreed to recommend to their House to recede from their disagreement to the amendment to said bill.

An engrossed bill to be entitled an act to provide for the translation and preservation of the Spanish records within this state, was read the third time and passed. *Ordered*, that the title of the bill be as

aforesaid, and that it be reported to the House of Representatives for concurrence.

Mr. Barton, from the committee on the judiciary, to which was referred a bill to be entitled an act providing a fund for the payment of petit jurors, reported the same without amendment. *Ordered*, that the bill be engrossed for a third reading to-morrow.

Mr. Barton, from the same committee, to which was referred a bill to be entitled an act to amend an act, entitled an act giving execution for costs in the Supreme Court, reported, that it is inexpedient to pass the bill. *Ordered*, that the report, together with the bill, lie on the table.

Mr. Barton, from the same committee, to which was referred the petition of sundry persons in Wilcox county, praying authority to sell a certain sixteenth section therein named, reported, that the committee are of opinion that the legislature have no authority to authorize the sale of 16th sections; which was concurred in.

Mr. Barton, from the same committee, to which was referred a bill to be entitled an act to incorporate the Mobile marine railway and insurance company, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed for a 3d reading to-morrow.

Mr. Barton, from the committee on schools and colleges and school and college lands, to which was referred a bill to be entitled an act to provide for the support and better regulation of common schools, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed for a third reading to-morrow.

The Senate took up the bill entitled an act providing for the erection of a state capitol, together with the amendments made thereto by the House of Representatives. Mr. Casey moved to amend the first amendment made by the House of Representatives to the bill by adding the following: "provided, that the plan which may be agreed on shall not exceed the amount appropriated by this bill in completing the said capitol;" which was lost—Yeas 10, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie, Ashe, Bagby, Barton, Casey, Irwin, Jones, Miller, Shackelford and Sullivan.

Those who voted in the negative are, Mr. President, Brown, Clay, Gaines, Jackson, M'Camy, Merriwether, Powell, Skinner and Vanhoose.

The question was then put on concurring in the first amendment made by the House of Representatives to the bill, which provides that the site for the capitol shall be selected by the General Assembly during their present session, and determined in the affirmative.

Mr. Casey offered the following as an amendment to the second amendment made by the House of Representatives to the bill: 'provided, that not more than one half of the sum appropriated shall be drawn from the treasury until sanctioned by the next General Assembly;' which was rejected—Yeas 8, nays 12.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie, Ashe, Bagby, Casey, Irwin, Jones, Miller and Sullivan.

Those who voted in the negative are, Mr. President, Barton, Brown, Clay, Gaines, Jackson, McCamy, Merriwether, Powell, Shackelford, Skinner and Vanhose.

Ordered, that the Senate concur in the remainder of the amendments made by the House of Representatives to said bill. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr. Jackson, from the select committee to which was referred a bill to be entitled an act to procure surveys, plans and estimates in relation to certain objects of internal improvement within this state, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed for a third reading to-morrow.

An engrossed bill to be entitled an act making it the duty of the Comptroller of public accounts to lay before both houses of the general assembly, during the first week of its session, a full expose of the disbursements made from the contingent fund, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be reported to the House of Reps. for concurrence.

A bill to be entitled an act supplementary to an act to establish a state university, was read the third time and passed. *Ordered*, that it be returned to the House of Representatives.

An engrossed bill to be entitled an act more effectually to prevent breaches of the peace, was read the third time and passed. *Ordered*, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

Mr. Clay called up the resolutions protesting against the exercise of implied, constructive and unconstitutional powers on the part of the Federal Government, and asserting the rights secured to the states respectively by the constitution of the United States. Mr. Jackson moved to strike out the second resolution, which is as follows:—"Resolved, that we approve of the course pursued by the republican party during the eventful crisis of '98 and '99 in opposition to the usurpations of the general government claimed under the above described powers; that we believe the time has again arrived when it is necessary for the states to assert their constitutional rights, and with becoming firmness to resist the increasing progress of federal power."

And then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. The Senate met—and resolved itself into a committee of the whole on the resolutions protesting against the exercise of implied, constructive and unconstitutional powers on the part of the federal government, and asserting the rights secured to the states respectively by the constitution of the United States—Mr. Shackelford in the chair—and after some time spent in the consideration thereof, the committee rose, Mr. President resumed the chair, and Mr. Shackelford reported the resolutions without amendment.

And then the Senate adj'ned till to-morrow morning at 10 o'clock.

Friday, December 29, 1826.

The Senate met pursuant to adjournment.

Mr. Sullivan, from the joint committee appointed to examine and destroy the treasury notes taken in by the treasurer, reported, "that

they have performed the duty assigned them; that they have examined and destroyed the treasury notes issued pursuant to law, which have been redeemed and taken in by the treasurer of the state, to the amount of eight thousand two hundred and eighty dollars twelve and a half cents."

Mr. Crabb, from the select committee to which was recommitted a bill to be entitled an act to incorporate the town of Russellville in the state of Alabama, reported the same as amended; which was concurred in. Ordered, that the bill be read the third time to-morrow.

Mr. Brown, from the select committee to which was referred sundry petitions on the subject, reported a bill to be entitled an act to establish a road from Elyton to Montevallo; which was read, and ordered to a second reading to-morrow.

Mr. Crabb, from the military committee, to which was referred a resolution on the subject, reported a bill to be entitled an act to provide for the purchasing of two four pounders for the use of the state; which was read, and ordered to a second reading to-morrow.

Mr. Gaines offered the following resolution: *Resolved*, that the judiciary committee be instructed to report a bill to prevent slaves from being brought into this state as merchandize; which was adopted.

Mr. Barton presented the petition of the Mobile board of school commissioners, praying authority to raise a sum of money by lottery; which was read, and laid on the table.

Mr. Barton introduced a bill to be entitled an act to authorize the Mobile school commissioners to raise a sum of money by lottery; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on schools and colleges and school and college lands to consider and report thereon.

Mr. Bagby presented the petition of sundry persons of Monroe county, praying the change of an election precinct; which was read, and ordered to lie on the table.

Mr. Bagby also presented the petition of Edwin Lewis, praying that the records and papers relating to sundry suits between him and the representatives of Figures Lewis may be transferred from Baldwin to Mobile circuit court; which was read, and referred to the committee on the judiciary.

Mr. Bagby, from the select committee to which was referred a resolution of the state of Louisiana disapproving of the resolution of the state of Ohio, proposing a plan for the gradual emancipation of slaves; a resolution of the same state approving a resolution of the state of Georgia respecting the importation or ingress of people of color into any of the states; resolutions of the state of Vermont on the subject of the importation or ingress of persons of color into the several states, and on the subject of slavery in the United States; resolutions of the state of Indiana, disapproving of resolutions of the state of Tennessee relating to the election of president and vice president, &c.; resolution of the state of Maine disapproving of the amendment of the constitution of the United States proposed by the state of Ten-

lessee; and, report and resolution of the state of Mississippi on the resolutions of the states of Delaware, Connecticut, Illinois, Indiana, Ohio and New Jersey, in relation to the emancipation of slaves—asked to be discharged from the further consideration thereof, the same having been acted upon by resolution which originated in the House of Representatives; which was agreed to. Ordered, that the resolutions lie on the table.

Mr. Jackson called up the bill to be entitled an act to incorporate the muscle shoal canal company. Mr. Casey moved to amend the bill where it relates to the time within which the state shall be authorized to subscribe for stock in the company by striking out the words "provided that such subscription (meaning subscriptions by the state) be made at the time and place and under the restrictions that other shares or stock be subscribed for," and to insert the words "provided that such subscription be made within two years from the time the books of subscription are opened;" which was carried—Yeas 11, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs Abercrombie, Ashe, Bagby, Barton, Brown, Casey, Irwin, Jones, Merriwether, Miller and Sullivan.

Those who voted in the negative are, Mr. President, Clay, Crabb, Gaines, Jackson, McCamy, Powell, Shackelford, Skinner & Vanhoose.

The bill was further amended, and ordered to be carried over for a third reading to-morrow.

A message from the House of Representatives by Mr. McClellin.

Mr. President—The House of Representatives concur in the amendments made by your honorable body, to the bill entitled an act to incorporate the Tuscaloosa library company, they recede from their disagreement to the amendment made by the Senate to the bill entitled an act to alter the mode of appointing assessors and tax collectors, and for other purposes. They have passed bills which originated in their House entitled an act supplementary to an act for the government of the port & harbor of Mobile; an act to regulate the fees of certain public officers in Baldwin county; and an act for improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's—in which they desire your concurrence. A bill from the H. of R. entitled an act, supplementary to an act for the government of the port and harbor of Mobile; and an act to regulate the fees of certain public officers in Baldwin county, were severally read the first time. The rule requiring bills to be read on three several days being dispensed with, they were read the second and third time, and passed.

Ordered, That they be returned to the House of Representatives.

A bill from the House of Representatives, entitled, an act for improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's, was read the first time; and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and referred to the committee on roads, bridges and ferries, to consider and report thereon. Ordered, That the committee of the whole be discharged from the further consideration of the Resolution, protesting against the exercise of implied, constructive and unconstitutional powers on the part of the federal government, and asserting the rights secured to the states respectively by the constitution of the United States. Ordered, That the resolutions lie on the table.

On motion of Mr. Bagby, Ordered, That Mr. Barton have leave of absence from the Senate for the remainder of the session.

Mr. Gaines, from the committee on propositions and grievances, to which was referred the petition of John McGrew, and of sundry others in his behalf, reported a bill to be entitled, an act for the relief of John McGrew, which was read, and ordered to a second reading to morrow.

Engrossed bill, to be entitled, an act providing a fund for the payment of petit jurors, was read the third time and passed. Ordered, That the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

An engrossed bill to be entitled an act to procure surveys, plans, and estimates, in relation to certain objects of internal improvement within this state, was read the third time, amended by way of rider, and passed. Ordered, That the title of the bill be as aforesaid; and that it be reported to the House of representatives for concurrence.

Mr. Barton called up a bill to be entitled, an act to emancipate certain slaves therein named. Ordered, That the bill be read the third time to morrow.

Mr. Barton moved to reconsider the vote of the Senate on ordering to be engrossed for a third reading to morrow. the bill to be entitled, on act to incorporate the muscleshoe canal company; which was carried.

Mr. Jackson moved to amend the amendment made by Mr. Casey to the bill, by striking out "two years," the time within which the state is authorized to subscribe for stock, and inserting "one." Ordered, That the bill lie on the table. And then the senate adjourned, till to-morrow morning at 10 o'clock.

Saturday, December 30, 1826.

The Senate met pursuant to adjournment

Mr. Irwin presented a petition from Henry county, praying a change of an election precinct, which was read and ordered to lie on the table.

Mr. Jackson from the select committee, to whom had been referred the bill to be entitled an act concerning the owners and keepers of mills, and other water works, reported the same as amended; to which the Senate concurred, and ordered the bill as amended to be engrossed for a third reading on Monday next.

Mr. Barton, from the select committee, to whom was referred so much of the governor's message as relates to the system for the disposal of public lands, reported joint resolutions in relation to the system, for the disposal of the public lands, and to the unsettled land claims in this state, which received a first, and were ordered to a second reading on Monday.

Mr. Barton, from the committee on schools and colleges, &c. to whom had been referred the bill to be entitled an act better to provide for leasing the 16th section therein named, reported the same without amendment, which was ordered to a third reading on Monday. The same gentleman, from the same committee, to which it had been referred, reported without amendment the bill to be entitled, an act to authorize the Mobile school commissioners to raise a sum of money by lottery, which was ordered to be engrossed and read for a third time to-day.

Mr. Casey, from the committee on roads, bridges, &c. to whom had been referred the bill to be entitled, an act for improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's, reported the same without amendment, which was ordered to a third reading on Monday. Mr. Jackson obtained leave to introduce a joint resolution, explanatory of the 3d section, of an act entitled an act to fix the salary of the President of

the bank of the state of Alabama, and for other purposes; which (the rule requiring bills, &c. to be read on three several days being suspended,) received three readings forthwith, passed, and was ordered to be reported to the House of Representatives for their concurrence.

Mr. Crabb, of the military committee, submitted the following report, to wit: The military committee of the senate and house of representatives have jointly examined the state arsenal and arms therein, in conformity to a resolution of the General Assembly, and have directed me to report—That they opened several of the boxes containing muskets, pistols, and sabres. The muskets were in bad order, injured already by rust, and likely to be much more so. The cartridge boxes are in very bad order, and without more attention to oiling of them, will in a short time be worth nothing. The pistols and sabres are in tolerable order. I am also instructed to report to the senate that the military committee are clearly of the opinion that the quarter-master General has failed to discharge his duty in making an annual report, as well as in his attention to the arms in the arsenal; therefore they would recommend to the senate a reduction of his salary; which received the concurrence of the senate.

Mr. Sullivan, of the committee on divorce and alimony, to which it had been referred, reported without amendment, the bill to be entitled, an act to divorce Morgan Buck from Lavinia Buck, which was ordered to a third reading on Monday.

Mr. Crabb obtained leave to introduce a bill to be entitled an act supplementary to the several acts heretofore passed, granting to Abram Stout and his associates, the privilege of opening a turnpike road, commencing at or near John Gandy's, in Morgan county, and to intersect the old Huntsville road, at or near Elyton, in Jefferson county, which received a first and was ordered to a second reading on Monday.

Mr. Powell, of the committee on enrolled bills, reported as correctly enrolled, to wit: an act to authorize the field officers of the 46th regiment to form a company of militia in Broxton's settlement: an act to authorize the judge of the county court and commissioners of revenue and roads of Shelby county, to levy an extra tax for the purpose of building a jail in and for said county: an act to amend an act entitled an act to incorporate the town of Florence in the state of Alabama: an act to alter the times of holding the county courts of Lawrence, Limestone, Lauderdale, Dallas, Autauga, Montgomery, Perry, and Conecuh counties: an act for the relief of James Hall: an act to repeal in part and amend an act entitled an act for the relief of the inhabitants of the first township, range 7, east of the basis meridian of Huntsville, approved Jan. 9th, 1824: an act to divorce Kelly Stegall from Nancy Stegall: an act directing in what manner and in what courts suits may be brought against the state of Alabama: an act to allow Wm. Whorton to erect a mill on Wills' creek in St. Clair county: an giving further time to persons holding claims against their respective counties to file the same: an act to authorize the trustees of certain 16th sections in Jackson county, to lease them for any number of years not exceeding twenty: an act for the relief of Mary Latham: an act supplementary to the several acts heretofore passed, in relation to the county court for the county of Mobile, and for other purposes; and a joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the Legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the legislature of New Jersey, recommending a system of foreign colonization; all of which were severally signed by Mr. President.

The following message was received from the House of Representatives by Mr. Vandyke.

Mr. President—The House of Representatives have read a third time, and passed a bill which originated in your honorable body, entitled, an act to incorporate the Cahawba navigation company, and have amended the same as herewith shewn. They have also read a third time and passed bills, which originated in their house of the following titles, to wit: an act to amend an act to establish the bank of the state of Alabama, approved Dec. 20th, 1823; an act to alter the time of holding the county courts of the county of Tuscaloosa; and an act to divorce John Hamblin, from Hannah Hamblin. In all of which they ask the concurrence of your Hon. body

The Senate concurred in the amendments made by the House, to the bill, entitled an act to incorporate the Cahawba navigation company

The other bills mentioned in the above message, were severally read a first time, and ordered to a second reading on Monday next. The Senate then resumed the consideration of the bill, to be entitled an act to incorporate the muscle shoals canal company. Mr. Jackson renewed his motion to strike from the bill the word "two," and insert "one," where it relates to the time within which the state may subscribe for stock, which was carried. The bill, after undergoing sundry other amendments, was ordered to be engrossed for a third reading on Monday.

The following message was received by James I. Thornton, Secretary of State—Mr. President: The Governor did, on the 26th inst. approve and sign, an act to compensate the commissioners appointed by the Governor for ascertaining and marking the permanent boundary line between this state and Georgia, which originated in the Senate.

Mr. Clay moved to take up the resolutions introduced by him, protesting against the exercise of implied, constructive and unconstitutional powers, on the part of the federal government, and asserting the rights secured to the states respectively, by the constitution of the United States—which was agreed to. Mr. Jackson moved to strike from the preamble the words, "to an alarming extent," which was negatived. Mr. President, messrs. Bagby, Brown, Casey, Gaines, Jackson, Irwin, Merriwether, Powell and Vanhooze, 19—voting for the motion. And messrs. Abercrombie, Ashe, Barton, Clay, Crabb, Jones, McCamy, Miller, Shackelford, Skinner and Sullivan, 11—voting against it.

On motion of Mr. Clay, the Preamble was adopted—Yeas, Mr. President, messrs. Abercrombie, Ashe, Barton, Clay, Crabb, Gaines, Irwin, Jones, McCamy, Miller, Shackelford, Skinner and Sullivan—14.

Nays—messrs Bagby, Brown, Casey, Jackson, Merriwether, Powell and Vanhooze—7.

Mr. Bagby moved to lay the resolutions on the table, which was disagreed to.

Mr. Clay moved the adoption of the first resolution; which was carried: yeas 20, nays 1—Mr. Brown alone disagreeing.

Mr. Clay moved the adoption of the second resolution.

Mr. Bagby moved to amend it by striking out the latter clause, which was agreed to. Yeas, Mr. President, messrs. Bagby, Brown, Casey, Gaines, Jackson, Irwin, Merriwether, Powell, Shackelford, Sullivan, and Vanhooze—12.

Nays—messrs. Abercrombie, Ashe, Barton, Clay, Crabb, Jones, McCamy, Miller and Skinner, 9—so the latter clause of the second resolution, which was in these words—"that we believe the time has again arrived, when it is necessary for the States to assert their constitutional rights, and with becoming firmness to resist the increasing progress of federal power," was stricken out.

The question then recurred upon the adoption of the second resolution as changed, and the same was adopted unanimously.

On motion of Mr. Clay, the third resolution was adopted unanimously.

Mr. Clay also moved the adoption of the fourth resolution, which was carried. Yeas—mr. President, messrs. Abercrombie, Ashe, Barton, Brown, Clay, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Powell, Shackelford, Skinner, Sullivan and Vanhooose—19. Nays, Messrs. Bagby and Casey—2.

Mr. Clay moved, likewise, that the fifth resolution be adopted.

Mr. Jackson moved that the Senate adjourn until 3 o'clock—and the motion was lost.

The question on the adoption of the fifth resolution recurred, which was carried. Yeas—mr. President, messrs. Abercrombie, Ashe, Bagby, Barton, Casey, Clay, Crabb, Gaines, Irwin, Jones, McCamy, Merriwether, Miller, Powell, Shackelford, Skinner, Sullivan and Vanhooose—19.

Nays—Messrs. Brown and Jackson—2

Mr. Clay moved to amend the 6th resolution, by striking out the words, “a high handed exercise of federal power,” which was carried: and on motion of the same gentleman, the words “an unconstitutional exercise of federal power” were inserted in lieu thereof.

The sixth resolution as amended, was then adopted. Yeas—mr. President, messrs. Abercrombie, Ashe, Bagby, Barton, Casey, Clay, Crabb, Irwin, Jones, McCamy, Miller, Shackelford, Skinner, and Sullivan—15.

Nays—messrs. Brown, Gaines, Jackson, Merriwether, Powell & Vanhooose,—6.

On motion of Mr. Clay the following resolution was adopted, as an addition to the aforesaid resolution, to wit:

Resolved, That the President of the Senate of this state be, and he is hereby requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolutions.”

On motion of Mr. Crabb, the word “*alarming*” which occurs in the preamble, was erased, and the word “unjustifiable” substituted in its place.

On motion of Mr. Clay, the question on the passage of the Preamble and resolutions, as amended, was taken, and decided in the affirmative:—Yeas:

mr. President	Barton	Crabb	Jones	Shackelford
Abercrombie,	Brown	Gaines	McCamy	Skinner
Ashe	Casey	Jackson	Merriwether	Sullivan
Bagby	Clay	Irwin	Miller	Vanhooose—20

Nays—Powell, 1.

So the preamble and resolutions passed the Senate. *Ordered*, on motion of Mr. Clay, that they be sent to the House of Representatives for their concurrence.

Mr. Crabb obtained leave to introduce joint resolutions in relation to the compensation of Quarter Master General, which was read, and ordered to a second reading on Monday.

Mr. Casey, from the select committee, to whom it had been referred, reported without amendment, the bill to be entitled an act concerning the St. Stephens Steamboat company; which, on his motion, was read a third time forthwith, and ordered to lie on the table.

The Senate adjourned until half past 3 o'clock, p. m. to day.

Half past 3 o'clock, P. M.—Bills to be entitled, an act to incorporate the Mobile marine railway and insurance company; and an act to authorize the Mobile school commissioners to raise a sum of money by lottery, were

severally read a third time, and passed the Senate. *Ordered*, That they be reported to the House of Representatives for their concurrence.

The bill to be entitled an act for the support, and better regulation of common schools received a 3d reading, and was laid on the table.

The bill to be entitled, an act to provide for purchasing two four pounders for the use of the state of Alabama, received a second reading.

Mr. Miller moved to postpone the bill indefinitely, which was negatived.

Mr. Merriwether moved to amend the bill, by striking out the word "four" wherever it occurs, and substituting "six" therefor, which was agreed to.

Ordered, That the bill be engrossed, and read a third time on Monday.

Bills to be entitled, an act to establish a road from Elyton to Montevallo; and an act for the relief of John McGrew, were severally read a second time and ordered to be engrossed for a third reading on Monday.

A bill to be entitled, an act providing a fund for the payment of petit jurors, was ordered to lie on the table.

Bills from the House of Representatives, to be entitled, an act to emancipate certain slaves therein named; and an act to incorporate the town of Russellville in the state of Alabama, were severally read a 3d time and passed. *Ordered*, That they be returned to the House of Representatives:

A bill to be entitled, an act to establish a ferry, and appoint commissioners to lay out a certain road therein named, was deferred for its second reading till Monday.

The Senate then adjourned till 10 o'clock, on Monday morning.

Monday, January 1, 1827.

The Senate met pursuant to adjournment.

Mr. Abercrombie presented the petition of the intendant and council of the town of Montgomery, praying legislative authority to hold their meetings in the court house of Montgomery county; which was read, and laid on the table.

Mr. Abercrombie introduced a bill to be entitled an act to authorize the intendant and council of the town of Montgomery to hold their meetings in the court house of the county of Montgomery; which was read a first time, and ordered to a second reading on to-morrow.

Mr. Jackson called up the bill to be entitled an act to provide a fund for the payment of petit jurors, and on motion of Mr. Casey, it was again laid on the table.

Mr. Casey called up the bill to be entitled an act to repeal in part an act passed at St. Stephens, 10th Feb. 1818, incorporating the St. Stephens steam boat company. Mr. Jackson moved to strike out the first section of said bill, which is in substance, that so much of the above recited act as may, by construction, seem to authorize the said company or its agents to issue any tickets, orders, checks, bills, or promissory notes, of any value or description, be, and the same is hereby repealed and made void.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, messrs. Abercrombie, Gaines, Jackson, M'Camy and Shackelford—6.

Those who voted in the negative, messrs. Ashe, Casey, Clay, Crabb, Irwin, Jones, Merriwether, Miller, Skinner and Vanhooose—10.

So the motion to strike out was lost. *Ordered*, that the bill be engrossed and made the order for a third reading on to-morrow.

Mr. Crabb called up the bill entitled an act authorizing the citizens of Sommerville to elect a constable: Ordered to a third reading to-morrow.

Mr. Crabb offered resolutions relative to the militia law of this state, which were read a first time, and ordered to a second reading to-morrow.

Mr. Skinner introduced a bill entitled an act to regulate appointments by the judges of county courts and for other purposes; which was read, and ordered to a second reading to-morrow.

The following message from the House of Representatives was received by Mr. Vandyke: *Mr. President*—The House of Representatives have read three times and passed, bills which originated in their House, of the following titles, to wit: an act to extend the civil and criminal jurisdiction of this state over so much of the Creek nation as was ceded under the treaty of the Indian Springs of 1825, within the chartered limits of the state of Alabama; an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi, and for other purposes; an act to divorce Coleman Allen from his wife Rebecca Allen; and, an act to divorce Mary Duckworth from her husband George Duckworth: In all of which they ask the concurrence of your honorable body.

The bill entitled an act to divorce Mary Duckworth from her husband George Duckworth, was read a first time, and laid on the table till to-morrow. The other bills in the above message were severally read a first time, and ordered to a 2d reading on to-morrow.

Bills entitled an act concerning the owners and keepers of mills and other water works: an act for the relief of John M'Grew; and, an act to incorporate the muscle shoals canal company, were severally read a third time and passed.

The yeas and nays being called for on the last mentioned act, those who voted in the affirmative are, Mr. President, messrs. Abernethie, Ashe, Bagby, Brown, Clay, Crabb, Gaines, Jackson, Jones, M'Camy, Powell, Shackelford and Skinner—14

Those who voted in the negative are, messrs. Merriwether and Miller—2. Ordered, that the titles of said acts be as aforesaid, and that they be sent to the House of Representatives for their concurrence.

The bill entitled an act to provide for purchasing two six pounders for the use of this state, was read a third time and laid on the table.

The resolutions in relation to a system for the disposal of the public lands, and to the unsettled land claims in this state; and, resolutions in relation to the compensation of quarter master general; and, a bill entitled an act supplementary to the several acts heretofore passed, granting to Abram Stout and his associates the privilege of opening a turn pike road, commencing at or near John Gandy's in Morgan county, to intersect the old Huntsville road, at or near Elyton, Jefferson county, were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to amend an act to establish the Bank of the State of Alabama, received a second reading. Mr. Powell moved

to refer it to the committee on the state bank, which was lost; and on motion of Mr. Casey, it was referred to a select committee, to consist of messrs. Casey, Gaines and Merriwether.

The bill entitled an act to establish a ferry and appoint commissioners to lay out a road therein named, received a second reading.— Mr. Shackelford moved to strike out the fourth section, which requires the county court of Autauga county to apportion hands for opening and keeping up said road where it runs in said county, which was lost; and the bill ordered to a third reading on to-morrow.

An engrossed bill from the House of Representatives, entitled an act for the improving the road leading from Blakeley to the upper line of Baldwin county, by the way of Durant's, received a third reading. Mr. Shackelford moved to amend the fourth section by adding the following: 'provided, that the taxes proposed by this section shall be paid by the person or persons in whose service said slaves may be at the time of such assessment,' which was lost; and the bill passed. Ordered, that it be returned to the House of Representatives.

Bills entitled an act to provide for leasing the sixteenth section therein named; and an act to divorce Morgan Buck from Lavinia Buck, were severally read the third time and passed.

The bill entitled an act to divorce John Hamblin from Hannah Hamblin, received a second reading; and the rule requiring bills to be read on three several days being suspended, it was read a third time and passed.

The following message was received from the House of Representatives by Mr. Vandyke. *Mr. President*—The House of Representatives have passed bills which originated in their House, of the following titles, to wit: an act to incorporate the Alabama and Tennessee canal company; and, an act for the relief of Theophilus L. Toolmin, tax collector for the county of Mobile for the year 1822: In which they ask the concurrence of your honorable body.

The bills mentioned in the above message were severally read a first time, and ordered to a second reading to-morrow.

Mr. Miller introduced a bill entitled an act to amend the charter of the Bank of the State of Alabama; which was read a first time, and the rule requiring, &c. being dispensed with, it received a second reading forthwith, and was referred to the bank committee to consider and report thereon.

And then the Senate adj'd until to-morrow morning at 10 o'clock.

Tuesday, January 2, 1827.

The Senate met pursuant to adjournment.

Mr. Casey, from the select committee to whom it had been referred, reported the bill entitled an act to amend an act to establish the Bank of the State of Alabama, as inexpedient, and that it ought not to pass. On motion of Mr. Jackson, the bill and report were laid on the table.

Mr. Bagby introduced a bill entitled an act authorizing the administrator of Samuel Greenlee to transfer the certificates for the lands

hereinafter mentioned; which received a first, and was ordered to a second reading on to-morrow.

On motion of Mr. Miller, *Resolved*, that the bank committee be instructed to inquire into the expediency of appointing some suitable person, in the town of Huntsville, as the agent of said Bank, to receive the discounts, curtailments and dividends, which accrue in Madison county, with leave to report by bill or otherwise. And on motion of Mr. McCamy, said resolution was amended by adding Jackson county.

A message was received from the Governor, consisting of "an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor, for the use and benefit of this state;" together with his reasons for not according his official signature to the same. Mr. Jackson moved to refer the act and Governor's communication to the judiciary committee, which the Senate refused. And on motion of Mr. Bagby, they were referred to a select committee, to consist of messrs. Bagby, Jackson and Powell.

Mr. Powell, from the select committee on enrolled bills, reported as correctly enrolled, an act providing for the erection of a state capitol, which was signed by Mr. President.

Mr. Sullivan presented the petition of sundry citizens of Bibb county, and also the petition of sundry citizens in Hill's settlement, Tuscaloosa county, setting forth that Bibb county does not possess a constitutional size, and praying that it may be increased by the addition of the north east corner (or Hill's settlement) of Tuscaloosa county; which were referred to the committee on county boundaries.

On motion of Mr. Sullivan, the gentleman from Tuscaloosa was added to the committee on county boundaries; and on motion of Mr. Abercrombie, the gentleman from Bibb and Perry was added to the same committee.

The following message was received by Mr. Vandyke, from the House of Representatives—*Mr. President*—The House of Representatives have read a third time and passed, a joint resolution, which originated with your hon. body, explanatory of the 3d section of an act entitled an act to fix the salary of the president of the Bank of the State of Alabama, and for other purposes.

A bill entitled an act to repeal in part an act passed at St. Stephens, 10th of February, 1818, incorporating the St. Stephens steam boat company; resolutions in relation to a system for the disposal of the public lands, and to the unsettled land claims in this state; resolutions in relation to the compensation of quarter master general; and a bill entitled an act authorizing the citizens of Sommerville to elect a constable, were severally read a third time and passed.—*Ordered*, that they be reported to the House of Representatives.

The bill entitled an act to establish a road from Elyton to Montevallo, received a third reading, was amended on motion of Mr. Shackelford, with a proviso, at the end of the 5th section, that "no toll shall be exacted from any person in Shelby county through whose land the said road may pass, whilst travelling towards Montevallo and

returning home," and was passed. *Ordered*, that it be reported to the House of Representatives.

The bill entitled an act supplementary to the several acts heretofore passed granting to Abram Stout and his associates the privilege of opening a turnpike road, commencing at or near John Gandy's in Morgan county, to intersect the old Huntsville road at or near Elyton, Jefferson county, received a third reading, and was laid on the table.

Bills entitled an act to divorce Coleman Allen from his wife Rebecca Allen; an act to divorce Mary Duckworth from her husband George Duckworth; an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi; an act to extend the civil and criminal jurisdiction of this state over so much of the Creek nation as was ceded under the treaty of the Indian springs of 1825, within the chartered limits of the state of Alabama; and, an act for the relief of Theophilus L. Toulmin, tax collector of Mobile county for the year 1822, were severally read a second time, and ordered to a third reading on to-morrow.

The bill entitled an act to incorporate the Alabama and Tennessee canal company, received a second reading, and was laid on the table.

The resolution in relation to the militia law of this state; and the bill entitled an act to authorize the intendant and town council of the town of Montgomery to hold their meetings in the court house of Montgomery county, were severally read a second time, and ordered to be engrossed for a third reading on to-morrow.

The bill entitled an act to authorize Ebenezer Byram to sell a certain tract of land on the terms and conditions therein mentioned, was this day passed.

The yeas and nays being requested, those who voted in the affirmative are, Mr. President, messrs. Abercrombie, Ashe, Bagby, Crabb, Gaines, Irwin, M'Camy, Miller, Shackelford and Skinner—11.

Those who voted in the negative are, messrs. Brown, Casey, Clay, Jackson, Jones, Merriwether, Powell, Sullivan and Vanhoose—9.

Mr. Powell introduced joint resolutions selecting a site for a state capitol, which received a first reading; and the rule requiring bills, &c. to be read on three several days being suspended, it was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Bagby, the bill entitled an act to provide for purchasing two six pounders for the use of the state, was taken from the table and passed.

The following message was received by James I. Thornton, Esq. secretary of state:

Mr. President:—The Governor did on the 30th ultimo approve and sign, an act to amend the laws now in force for the punishment of malicious mischief.

And then the Senate adj'd until to-morrow morning at 10 o'clock.

Wednesday, January 3d, 1827.

The Senate met pursuant to adjournment. Dr. Casey presented the report of the joint committee on the petition, which was referred to the military committee.

On motion of Dr. Jackson, *Ordered*, That Mr. Vanhooose have leave of absence from the Senate for the remainder of the session. Mr. President laid before the Senate, the following communication from the Governor:

EXECUTIVE DEPARTMENT, Jan. 2, 1827.

The Hon. the President, and members of the Senate:

Gentlemen—I beg leave to request that you will be pleased to receive all communications from this department, by the hands of John G. Aikin, Esq. on account of the necessary absence of the secretary of state for a few days.

I have the honor to be, most respectfully, your obedient servant.

JOHN MURPHY.

Mr. Miller introduced a bill to be entitled, an act to improve the navigation of Flint river, in Jackson county; which was read the first time. The rule requiring bills to be read on three several days being dispensed with, it was read the second time, and referred to a select committee, consisting of messrs. Miller, Jackson and Casey, to consider and report thereon.

Mr. Abercrombie moved to reconsider the vote of the Senate, on ordering to be engrossed for a third reading to-day,

Resolutions selecting a site for the state capitol, which was lost.

Mr. Crabb called up the bill to be entitled, an act supplementary to the several acts, heretofore passed, granting to Abraham Stout and his associates, the privilege of opening a turnpike road, commencing at or near John Gandy's, in Morgan county, to intersect the old Huntsville road at or near Elyton, in Jefferson county. The bill was then passed. *Ordered*, That the title be as aforesaid, and that it be reported to the House of Representatives for concurrence.

Mr. Casey called up the bill to be entitled, an act to incorporate the Alabama and Tennessee canal company. *Ordered*, That the bill be referred to a select committee; whereupon messrs. Casey, Jackson, and Bagby, were appointed.

Mr. Casey also called up a bill, entitled, an act to amend an act to establish the bank of the state of Alabama, approved 20th Dec. 1823, and the report of the select committee, adverse to the passage of the bill.

The report of the select committee was disagreed to, and the bill recommitteed to a select committee, consisting of messrs. Jackson, Casey and Bagby.

Mr. Bagby called up the bill to be entitled, an act to repeal an act therein named.

The bill was then read the third time and rejected—Yeas 10, Nays 10.

The yeas and nays being desired, those who voted in the affirmative are

Mr. President	Bagby	Clay	Jackson	McCamy
Abercrombie	Casey,	Gaines	Irwin	Shackleford, 10

Those who voted in the negative are,

Ashe	Crabb	Merriwether	Powell	Sullivan
Brown	Jones	Miller	Skinner	Vanhooose—10

So the bill was rejected.

Mr. Jackson, from the joint committee, appointed to select a site or sites for the state capitol, submitted the following report:

The joint committee appointed to examine and put in nomination two or more sites, of which one may be selected for a state capitol, &c. have performed the duties assigned them in part. they have examined and do nominate five sites, which they describe as follows, viz:

Site No. 1, consisting of lots known in the plan of the town of Tuscaloosa, as Nos. 344, 345, 346, 347, 390, 391, 392, 393, each containing half an acre. Nos. 345 and 346, are the property of the infant grand children of John Spencer, deceased. No. 344 belongs to Thomas M. Davenport; 347 to James Paul, which two latter numbers are worth about \$440. No. 390 belongs to William Owen— may be bought for \$150. No. 391, 392, 393, belongs to Morgan Buck, may be had for \$300. This site includes the oak trees, and lies on Washington street.

Site No. 2, consisting of lots No. 348, 349, belonging to Wm G. Parish, may be had at a fair valuation. No. 350, to Samuel M. Meek; 351 to Thomas M. Davenport, which may be also had at a fair price. No. 386 and 387 belong to James H. Dearing, Nos. 388, 389, belong to Edward Sims, which four last mentioned lots may be had at cost, said to be \$275 each. The first four lots of this site, are a donation, on condition the state house be fixed in Tuscaloosa.

Site No. 3, consisting of four lots, each half an acre, and including adjoining streets, make an area of something more than five acres, known in the plan of said town, as market-square— a good title to which will be made to the state as a donation, if it be selected as the site for the state house—and as an appendage, lots to the value of \$4000 00 or \$5000 00 will also be conveyed to the state.

Site No. 4, consisting of lots No. 143, belonging to the infant daughter of Samuel Meyerick, Nos. 144, and 145, belong to James Childress; No. 146 to John McClaine: upon what terms these lots may be had, your committee are uninformed. This site is known as Childress' hill. Site No. 5, consisting of lots known in the plan of Lower Tuscaloosa, as lots No. 5, 6, 7, and a street forming an area of about five acres, part of which site is the property of the heirs of George Cox, deceased, and the residue belongs to Charles Lewin, which site your committee are informed, may be had as a donation, if selected as a site for the state house; all of which your committee beg leave respectfully to submit." Ordered, That the report lie on the table.

Mr. Jackson, from the same committee, also submitted a plan agreed upon by the committee of the building; which was laid on the table.

A message from the House of Representatives by Mr. Vandyke.

Mr. President—The House of Representatives have passed a bill which originated in their House, entitled, an act appointing a mode in which the site for the state capitol shall be selected; in which they ask your concurrence.

The bill was read the first time, and ordered to a second reading to morrow.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled— Joint resolutions, explanatory of the 3d section of an act, entitled an act to fix the salary of the President of the bank of the state of Alabama, and for other purposes.

A message from the House of Representatives by Mr. Vandyke.

Mr. President—The house of representatives have passed bills which originated in the senate, entitled, an act to provide for the distribution of the public arms, among the different volunteer corps in this state: an act authorizing an extension of the lease taken by Seth Hunt, of the salt springs in the counties of Clarke and Monroe; and Resolutions appointing commissioners to report on the claims of the first purchasers of lots in Cahawba, in 1819, to the next General Assembly, and for other purposes, have amended the same as herewith shewn. They have also passed bills, which originated in their house, entitled, "an act for the relief of James Millican: an act authorizing William Waller to manumit certain slaves therein named: an act to authorize

Edward Sims and his associates, to open a turnpike road therein named: an act to amend an act, entitled an act for the relief of Wm. McDaniel, passed 3d Jan. 1825: an act to repeal an act entitled an act to fix the time for convening the General Assembly of the state of Alabama, passed Dec. 6th, 1821: an act authorizing David Leach to emancipate a slave therein named: an act to compensate Reuben Chapman for certain services therein mentioned: an act to authorize plaintiffs to discontinue their actions against one or more defendants, in all actions of assumpsit: an act for the relief of Charles A. Henry: an act to authorize the raising by lottery a sum of money for purposes therein specified: an act for the relief of the securities of John Archer, deceased: an act to incorporate the Pikeville Library Company: an act to define the boundary line between Shelby & Autauga counties: & an act reducing the price of the Digest of the laws of Alabama; in all of which they desire your concurrence. Ordered, That the Senate concur in the amendment made by the House of Representatives, to the resolutions appointing commissioners to report on the claims of the first purchasers of lots in Cahawba, in 1819, to the next General Assembly, and for other purposes. Ordered, That the Secretary acquaint the House of Representatives therewith.

Bills from the House of Representatives, entitled, an act for the relief of James Folliant: an act to authorize William Waller to manumit certain slaves therein named: an act to amend in part an act entitled an act for the relief of Wm. McDaniel, passed 3d January, 1825: an act to repeal an act entitled an act to fix the time for convening the General Assembly of the state of Alabama, passed Dec. 6th 1821: an act authorizing David Leach to emancipate a slave therein named: an act to compensate Reuben Chapman for certain services therein mentioned: an act to authorize plaintiffs to discontinue their actions against one or more defendants in all actions of assumpsit: an act for the relief of Charles A. Henry: an act to authorize the raising by lottery a sum of money for purposes therein specified: an act for the relief of the securities of John Archer deceased: an act to incorporate the Pikeville Library company: an act to define the boundary line between Shelby and Autauga counties: an act reducing the price of the digest of the laws of Alabama, were severally read the first time, and ordered to a second reading to-morrow.

A bill from the House of Representatives, entitled an act to authorize Edward Sims and his associates to open a turnpike road therein named, was read the first time: and the rule requiring bills to be read on three several days being dispensed with, it was read the second time and referred to a select committee, consisting of Messrs. Brown, Powell, and Ashe.

A message from the Governor by Mr. Aiken.

Mr. President—The Governor did on this day approve and sign, an act providing for the erection of a state Capitol: and a joint resolution explanatory of the third section of an act entitled an act, to fix the salary of the President of the Bank of the state of Alabama, and for other purposes; all of which originated in the Senate.

Ordered, that the engrossed resolutions selecting a site for the state Capitol, lie on the table.

An engrossed bill to be entitled an act, to authorize the Intendant and town council of Montgomery to hold their meetings in the court house of Montgomery county, was read the third time and passed: Ordered, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

A bill to be entitled an act to regulate appointments by the county courts, and for other purposes; and an act authorizing the transfer of certain lands

therein mentioned, were severally read the second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act for the relief of Theophilus L. Toulmin, tax collector of Mobile county for the year 1822, was read the third time and passed. Ordered, that it be returned to the House of Representatives.

Engrossed resolutions relating to the militia laws of this state, were read the third time and passed. Ordered that they be reported to the House of Representatives for concurrence.

A bill to be entitled an act to alter the times of holding the county courts of the county of Tuscaloosa was read the third time, amended by way of rider and passed : Ordered that the Secretary acquaint the House of Representatives therewith. A bill to be entitled an act to divorce Mary Duckworth from her husband George Duckworth, was read the the third time and passed by the requisite majority ; Ordered, that it be returned to the House of Representatives.

A bill to be entitled an act to establish a ferry and appoint commissioners to lay out a certain road therein named, was read the third time and passed ; Ordered, that the bill be returned to the House of Representatives.

A bill to be entitled an act to divorce Coleman Allen from Rebecca Allen was read the third time and laid on the table.

A bill to be entitled an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi, and for other purposes, was ordered to lie on the table.

Mr. Jackson called up the bill to be entitled an act providing a fund for the payment of petit jurors. The bill was then read the third time and passed. Ordered, that the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

Ordered, that the plan of the State House reported by the joint committee on that subject, be referred to a select committee, with instructions to report any alteration in the same they may think necessary, and to report such instructions to the commissioners appointed to contract for the building of said state house as they may deem proper ; whereupon messrs. Jackson, Powell and Brown were appointed the committee.

And then the Senate adj'd till to-morrow morning at 10 o'clock.

Thursday, January 4, 1827.

The Senate met pursuant to adjournment.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to provide for the distribution of the public arms among the different volunteer corps in this state ; an act authorizing an extension of the lease taken by Seth Hunt of the salt springs in Clarke and Monroe counties ; an act to regulate the fees of certain officers in Baldwin county ; an act supplementary to an act for the government of the port and harbor of Mobile ; all of which were accordingly signed by Mr. President.

Mr. Brown, from the select committee to which was referred a bill to be entitled an act to authorize Edward Sims and his associates to turnpike a road therein named, reported the same as amended ; which was concurred in. Ordered, that the bill be read the third time to-morrow.

A message from the House of Representatives by Mr. Van Dyke.

Mr. President—The House of Representatives have passed a bill which originated in your House, entitled an act to prevent the Creek Indians from hunting and trapping on lands within the settled limits of this state, and have amended the same in the manner herewith shown: in which they desire your concurrence. They have also passed bills which originated in their House, entitled an act to reduce into one the several acts concerning roads, bridges and highways; and an act to locate the University of Alabama. They have also passed the following memorials to the Congress of the United States: Memorial to the Congress of the United States requesting further relief to the purchasers of public lands; and a memorial to the Congress of the United States on the subject of a donation to the trustees of La Fayette academy in the village of La Grange. They have also passed resolutions instructing our Senators and requesting our Representatives in the Congress of the United States to endeavor to procure the passage of a law establishing a land office at Bellefonte, in Jackson county: in all of which they desire your concurrence.

Ordered, that the Senate disagree to the amendment made by the House of Representatives to the bill entitled an act to prevent the Creek Indians from hunting and trapping on lands within the settled limits of this state, by striking out the word 'Creek,' so as to make the bill apply to all Indians. The second amendment made by the House to the bill was amended, and then agreed to as amended. *Ordered*, that the House be informed thereof.

Resolutions instructing our Senators and requesting our Representatives in the Congress of the United States to endeavor to procure the passage of a law establishing a land office at Bellefonte, in Jackson county, was read, and ordered to a second reading to-morrow.

Memorial to the Congress of the United States on the subject of a donation to the trustees of La Fayette academy in the village of La Grange, was read the first time, and ordered to a second reading to-morrow.

Memorial to the Congress of the United States requesting further relief to the purchasers of public lands, was read the first time, and ordered to lie on the table.

A bill to be entitled an act to locate the University of Alabama, was read the first time, and ordered to a second reading to-morrow.

A message from the Governor by Mr. Aiken:

EXECUTIVE DEPARTMENT, Jan. 3d, 1827.

The Hon. the President and members of the Senate:

Gentlemen—I have the honor to inform you of the resignation of Col. McGraw D. Clarkson, quarter master general of this state. I also transmit you a resolution of the commonwealth of Kentucky, disapproving of the resolutions of the state of Georgia respecting the ingress or egress of persons of color into any state contrary to the laws of such state.

I have the honor to be, most respectfully, your obedient servant,

JOHN MURPHY.

Ordered, that the message and documents lie on the table.

A message from the House of Representatives by Mr. Vandyke.

Mr. President, the House of Representatives have adopted the following resolution: Resolved that the Senate be invited to assemble in the Representative Hall at 7 o'clock this afternoon, for the purpose of electing a judge of the County Court for Wilcox county, in which they desire your concurrence; Mr. Crabb moved to amend the resolution by adding the words "and Quarter Master General;" which was carried—the resolution as amended was concurred in. Ordered that the House be informed thereof.

A bill to be entitled an act to reduce into one, the several acts concerning roads, bridges, ferries, and highways, was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time and referred to the committee on roads, bridges and ferries, to consider and report thereon.

A message from the House of Representatives, by Mr. Vandyke. Mr. President the House of Representatives have passed a bill which originated in their House entitled an act, making appropriations for the year 1827, in which they desire your concurrence.

The bill was read the first time in the Senate, and ordered to a second reading to morrow.

Mr. Sullivan called up the bill to be entitled an act, to divorce Coleman Allen, from his wife Rebecca Allen. the bill was then read the third time and passed by the requisite majority. Ordered, that it be returned to the House of Representatives.

Mr. Jackson called up the bill to be entitled an act, to provide for the support and better regulation of common schools. The bill was then read the third time. Mr. Jones offered, the following amendment to the bill by way of rider. Provided, that nothing contained in this act, shall be construed as to prevent the tax levied by the second section of this act from being so applied to county purposes so far as it relates to the counties of Conecuh and Montgomery;" Mr. Irwin moved to amend the amendment by inserting "Henry, Pike, Covington, and Dale; which was rejected—Yeas 3, Nays 17.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie, Irwin, and Jones.

Those who voted in the negative are, Mr. President, Ashe, Bagby, Brown, Casey, Clay, Crabb, Gaines, Jackson, McCamey Meriwether, Miller, Powell, Skinner, Shackleford, Sullivan and Vanhose—17.

The question was then put on the adoption of the amendment offered by Mr. Jones, & determined in the negative. The bill was then passed—yeas 16, nays 4.

The yeas and Nays being desired on the passage of the bill; those who voted in the affirmative are, Mr. President, Ashe, Bagby, Brown, Casey, Clay, Crabb, Gaines, Jackson McCamey Meriwether, Miller, Powell, Skinner, Sullivan, and Vanhose, 16.

Those who voted in the negative are, Messrs. Abercombie, Irwin, Jones and Shackleford—4.

So the bill was passed Ordered, that the title be as aforesaid, and that it be reported to the House of Representatives for concurrence.

An engrossed bill to be entitled an act, authorising the transfer of certain lands therein mentioned, was read the third time and passed. Ordered, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

An engrossed bill to be entitled an act to regulate appointments by the Judges of the County Courts, and for other purposes was read the third time. Mr. Bagby moved that the further consideration of the bill be indefinitely postponed; which was carried—Yeas 12, Nays 7.

The yeas and nays being desired those who voted in the affirmative are Mr. President, Abercrombie, Bagby, Brown, Casey, Gaines, Jones, McCamey, Meriwether Powell, Shackleford, and Sullivan. Those who voted in the negative are, Messrs. Ashe, Clay, Jackson, Irwin, miller, Skinner, and Vanhose.

And then the Senate adjourned till 3 o'clock this evening.

Three o'clock P. M.—The Senate met

A bill to be entitled an act to extend the civil and criminal jurisdiction of this State over so much of the Creek Nation as was ceded under the treaty of the Indian Springs of 1825 within the chartered limits of the State of Alabama, was read the third time and passed—Yeas 10. Nays 8.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Abercrombie, Ashe, Brown, Casey, Clay, Irwin, McCamey, Miller, Shackelford, Skinner, and Sullivan. Those who voted in the negative are, Mr. President, Bagby, Gaines, Jackson, Jones, Meriwether, Powell and Vanhoose.

So the bill was passed. Ordered, that it be returned to the House of Representatives.

A bill to be entitled an act, to authorize plaintiffs to discontinue their actions against one or more defendants in all actions of assumpsit, was read the second time, and ordered to lie on the table.

Bills of the following titles to wit, an act to authorize William Waller, to manumit certain slaves; an act to amend in part, an act, entitled an act, for the relief of Wm. McDaniel passed 3d January 1825; an act to authorize David Leach, to manumit a certain slave therein named; an act to compensate Reuben Chapman, for certain service therein mentioned; an act, for the relief of Charles A. Henry; an act to authorize the raising by Lottery, a sum of money for purposes therein specified; an act for the relief of the securities of John Archer deceased; an act to incorporate the Pikeville Literary Company; an act to define the boundary line between the counties of Shelby and Autauga; an act reducing the price of the digest of the Laws of Alabama; and an act to repeal an act entitled an act, to fix the time for convening the General Assembly of the State of Alabama, passed December 6th, 1821, were severally read the second time, and ordered to a third reading to-morrow.

A bill to be entitled an act appointing a mode in which the site for the state capitol shall be selected, was read the second time, amended on Mr. Shackelford's motion, and ordered to a third reading to-morrow.

A bill to be entitled an act for the relief of James Millican, was read the second time. Mr. Jackson moved that the bill lie on the table till the first day of June next, which was carried.

A message from the House of Representatives by Mr. Stewart.

Mr. President—The House of Representatives concur in the amendment made by the Senate to the resolution proposing to elect a Judge of the County Court of Wilcox county this evening at 7 o'clock.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the Cahawba navigation company; an act directing in what manner and in what courts suits may be brought against the state of Alabama; an act to alter the mode of appointing assessors and tax collectors, and for other purposes; an act supplementary to an act to establish a state university: all of which were accordingly signed by Mr. President.

Mr. Gaines called up the bill to be entitled an act to authorize Willey Harris to emancipate certain slaves therein named. Ordered, that the bill be engrossed for a third reading to-morrow.

Mr. Casey moved to reconsider the vote of the Senate on ordering to a third reading to-morrow the bill entitled an act appointing a mode in which the site for the state capitol shall be selected, which was lost.

And then the Senate adjourned till 7 o'clock this evening.

Seven o'clock. The Senate met pursuant to adjournment.

Mr. Crabb offered the following resolution: *Resolved*, that the citi-

zens of Tuscaloosa town and county be permitted to use the Senate chamber, and Senate committee room, under the superintendence of the door keeper, on Wednesday evening next in celebration of the memorable victory at New Orleans on the 8th of January, 1815; which was adopted.

A message was received from the House of Representatives by Mr. Tunstall, inviting the Senate to assemble in the Representative Hall for the purpose of electing a Judge of the County Court of Wilcox county, in place of Edwin L. Harris, removed, and a Quarter Master General, to supply the vacancy occasioned by the resignation of Matthew D. Thomason. Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and having taken their seats, Mr. President arose and announced the object of the meeting—When the two houses proceeded to elect a Judge of the County Court of Wilcox county: James C. Irwin and Benjamin W. Williamson in nomination—For Mr. Irwin 47 votes, Mr. Williamson 24.

Those who voted for Mr. Irwin are, (Senate) Messrs. Ashe, Crabb, Irwin, Meriwether, Miller, Skinner, (Representatives,) Mr. Speaker, Acklen, Benson, Bridges, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Craig, Coopwood, Davis of Fr. Dale, Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Greening, Heard, Johnson, Jones, Lawler, Moore of Mad. Moore of Jack. McVay of Laud. McVay of Law. Martin, Massey, Perkins, Pickens, Powell, Rhodes, Smith of Hen. Smith of Mad. Williams, Weissinger, Walthall, Whitfield—47.

Those who voted for Mr. Williamson are, (Senate,) Mr. President, Abercrombie, Bagby, Brown, Clay, Gaines, Jackson, Jones, McCamy, Shackleford, Sullivan; (Representatives,) Mr. Crenshaw, Coe, Dennis, Dubose, Harris, Lewis, McClung, Neill, Raney, Smith of Laud. Sims, Terry.

Mr. Speaker, therefore declared James C. Irwin to be duly elected Judge of the County Court of Wilcox county, he having received a majority of the votes given.

The two Houses then proceeded to the election of a Quarter Master General. Messrs. Blake Jones, Burrell Traywick, Dugald McFarlane, William B. Bullafin, Charles Lewin and Charles Moorman, being in nomination.

For Mr. Jones 27 votes, - for Mr. Traywick 12—for Mr. McFarlane 6—for Mr. Lewin 28—for Mr. Bullafin 1—for Mr. Moorman 1.

Those who voted for Mr. Jones are, (Senate) Mr. President, Brown, Clay, Irwin, Miller, Shackleford, Skinner; (Representatives) Mr. Acklen, Brown, Bradford, Brasher, Craig, Coopwood, Davis of Fr. Dennis, Dupuy, Edmondson, Jones, Moore of Mad. McVay of Laud. Martin, Perkins, Pickens, Parham, Ross, Roberts, Smith of Mad.—27.

Those who voted for Mr. Traywick are, (Representatives) Mr. Speaker, Bridges, Barclay, Dubose, Duke, Fluker, Greening, Lawler, Moore of Jack. Terry, Weissinger, Whitfield—12.

Those who voted for Mr. McFarlane are (Senate) Messrs. Bagby, Crabb, Jones, (Representatives,) Mr. Benson, Harris, Williams—6.

Mr. Ellis voted for Mr. Moorman.

Those who voted for Mr. Lewin are (Senate,) Messrs. Abercrombie, Ashe, Casey, Gaines, Jackson, McCamey, Meriwether, Sullivan, (Representatives,) Mr. Broadnax, Bell, Crenshaw, Coe, Dale, Edwards, Exum, Heard, Johnson, Lewis, McClung, McVay of Law. Massey, Neill, Powell, Rhodes, Raney, Smith of La. Sims, Walthall—28.

Mr. Smith of Hen. voted for Mr. Bullafin.

No one of the candidates having received a majority of the votes given, Mr. Speaker declared that no election had been made, and the two Houses then proceeded to vote a second time, for a Quarter Master General. The names of Messrs. Moorman, Bullafin and McFarlane being withdrawn. Messrs. Lewin, Jones and

Traywick only remaining in nomination.—For Mr. Lewin 37—Mr. Jones 30—Mr. Traywick 8.

Those who voted for Mr. Lewin are, (Senate,) Messrs. Abercrombie, Ashe, Bagby, Casey, Clay, Gaines, Jackson, McCamy, Meriwether, Sullivan, (Representatives) Mr. Benson, Broadnax, Bell, Crenshaw, Coe, Dale, Edwards, Exum, Heard, Harris, Johnson, Lawler, Lewis, McClung, Moore of Jack. McVay of Law Massey, Neill, Powell, Rhodes, Raney, Roberts, Smith of Hen. Smith of Laud. Sims, Terry, Walthall—37.

Those who voted for Mr. Jones are, (Senate,) Mr. President, Brown, Crabb, Irwin, Jones, Miller, Shackelford, Skinner, (Representatives,) Mr. Acklen, Brown, Bradford, Brasher, Craig, Coopwood, Davis of Frank Dennis, Dupuy, Duke, Edmondson, Jones, Moore of Mad. McVay of Laud. Martin, Perkins, Pickens, Parham, Ross, Smith of Mad. Williams, Weissenger, 30.

Those who voted for Mr. Traywick are, (Representatives,) Mr. Speaker, Bridges, Barclay, Dubose, Ellis, Fluker, Greening, Whitfield—8.

No one candidate having received a majority of the votes given, Mr. Speaker declared that there was no election made; and therefore the two houses proceeded to vote a third time for a quarter master general—The name of Mr. Traywick was then withdrawn, Messrs. Lewin and Jones only being in nomination—For Mr. Lewin, 42 votes; Mr. Jones 32.

Those who voted for Mr. Lewin, are—(Senate), Messrs. Abercrombie, Ashe, Casey, Clay, Gaines, Jackson, McCamy, Meriwether, Sullivan (Representatives), Mr. Speaker, Benson, Broadnax, Bell, Barclay, Crenshaw, Coe, Dale, Dubose, Edwards, Exum, Fluker, Heard, Harris, Johnson, Lawler, Lewis, McClung, Moore of Jack. McVay of Law Massey, Neill, Powell, Rhodes, Raney, Roberts, Smith of Hen. Smith of Laud. Smith of Mad. Sims, Terry, Weissenger and Walthall—42.

Those who voted for Mr. Jones, are—(Senate), Mr. President, Brown, Crabb, Irwin, Jones, Miller, Shackelford, Skinner; (Representatives), Messrs. Acklen, Bridges, Brown, Bradford, Brasher, Craig, Coopwood, Davis of Frank Dennis, Dupuy, Duke, Edmondson, Ellis, Greening, Jones, Moore of Mad. McVay of Laud. Martin, Perkins, Pickens, Parham, Ross, Williams, Whitfield—32.

Charles Lewin, sen. having received a majority of all the votes given, he was declared to be duly elected quarter-master general for this state, for the time prescribed by the laws of this state, to fill the vacancy occasioned by the resignation of Matthew D. Thomason.

The elections being completed, the Senate withdrew, returned to their own chamber, and Mr. President resumed the chair.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Friday, January 5, 1827.

The Senate met pursuant to adjournment.

Mr. Casey, from the select committee to which was referred a bill to be entitled an act to incorporate the Alabama and Tennessee canal company, reported the same as amended. *Ordered*, that the bill and amendment lie on the table.

Mr. Casey presented the accounts of the door-keeper of the Senate; which were referred to the committee on accounts and claims.

Mr. Jackson, from the special committee to which was referred a bill to be entitled an act to amend an act, to establish the Bank of the State of Alabama, approved Dec. 20th, 1823, reported the same as amended; a part of which were concurred in, and a part disagreed to. *Ordered*, that the bill be read the third time to-morrow.

Mr. Bagby, from the select committee to which was referred the communication from the Governor of the 1st inst. containing his reasons for withholding his assent to the bill entitled an act authorizing titles to the

lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the Governor for the use and benefit of this state, asked to be discharged from the further consideration thereof; which was granted. The reasons of the Governor for withholding his assent to the bill are as follows:

EXECUTIVE DEPARTMENT, Jan. 1, 1827.

The Hon. the President and members of the Senate:

Gentlemen: I beg leave to return to your honorable body the bill which originated in your house, entitled, "an act authorizing titles to the lands and town lots, given to the state by the citizens of Tuscaloosa, to be made to the governor for the use and benefit of the state;" with the objections which, in the opinion of this department, apply to the said bill: on account of the legal implication and construction, which the present form of the bill admits.

The bill seems to set forth in terms clear and unequivocal, both in the preamble and first enacting clause, the result and consummation of a contract entered into, between the authority vested with the power to remove the seat of government, and with the permanent establishment of it of the one part, and certain citizens of the state of the other part:—in which contract, the first named party gave as a consideration, "the removal to & the permanent location of the seat of government in the town of Tuscaloosa;" & the other party gave, in return for such consideration, "their obligations," to convey certain lands & town lots to the state. The words used have an acknowledged legal acceptance, & are legally appropriate to set forth a full and perfect contract. The words alluded to are the following, the connection of which will be seen by reference to the bill; i. e.—"who have entered into obligations for the conveyance of certain lands and town lots to the state of Alabama, in consideration of the removal to, and permanent location of the seat of government of said state, in the town of Tuscaloosa." But if this be a contract, the general assembly, which is the power vested with the authority to designate by law, the permanent seat of government, and which the constitution declares shall not be changed after such designation, have no power to enter into contracts for that or any other purpose, but by their own legislation as legislation is the only mode in which the state can become a party to contracts; and then, either by the operation of law itself, or the agencies which may be created under it. The act establishing and permanently locating the seat of government for the state of Alabama, pursuant to the "twenty-ninth section of the third article of the Constitution," gives no intimation of consideration given, or authorized to be given by the state, as the foundation of the obligations into which any had entered, to convey property to the state; and there is no law authorizing any contract on this subject; but on the contrary, the matter appears to have created on those grounds of right, policy and convenience, which must be supposed to govern all law. The present bill, therefore, must have the effect, however remote from the design of it, to acknowledge, ratify and confirm obligations alleged to have been entered into, for a consideration alleged to have been received from the state, viz: the removal to, and permanent location of the seat of government of said state, in the town of Tuscaloosa; and by ratifying the obligations, must ratify the consideration given for them, and thus sanction a contract by which the parties reciprocally give and receive for their mutual benefit. If no contract with these conditions and stipulations have heretofore been entered into, (and this cannot but be the case, for there was no law to authorize a contract,) the present bill, in the form which it now assumes, is itself that contract—acknowledges the preparatory steps which have been taken, and accomplishes its complete efficiency and binding obligation on the respective parties.

In conformity to these views, the present bill is considered an act implying the obligation of a contract in which there are contracting parties, the state of Alabama, and certain citizens of the state—in which the state of Alabama gives as a consideration to the other contracting party, 'the removal to, and permanent location of the seat of government of said state in the town of Tuscaloosa;' and

the state of Alabama receives in return, 'the conveyance of certain lands and town lots to the state.' The stipulations of the contract on the part of the state must be liberally complied with: the removal to, which has already been complied with; and the remaining stipulation, "the permanent location of the seat of government in the town of Tuscaloosa," must continue to be binding on the state as their contract, and for which they are to receive a consideration which is deemed to be valuable, and an equivalent for what the state is required to perform. The permanent seat of government has been designated by law, and that law is sustained by the higher sanctions of the constitution; but the present bill seems to involve with these high sanctions the obligation of a contract, and refers to the date of that contract by strong implication, to the period when the seat of government was removed and permanently established. It would claim also from its expressions to be supplemental, and necessarily incident to that transaction. The constitution has made the location of the seat of government, as stable and unchangeable as any of its most vital provisions; and this no doubt will be esteemed by all a sufficient guard to secure the policy of the measure; but a contract, or a law implying the obligation of a contract, will continue to be binding on the community, on good faith and constitutional law, under every change of the constitution itself, and under every exigency of even the general wishes, interests and convenience of the people. The doctrine is maintained by the courts of the country, that a law implying the obligation of a contract cannot be repealed without consent of parties. I cannot doubt but that this will be your opinion, as it is my own also, although individuals of high attainments may have arrived at a different conclusion. It is deemed inexpedient to compromise by contract express, implied, or inadvertent, any measure which may safely rest on the foundation on which the constitution has placed it. The object of the general assembly may be attained, it is believed, by such verbal modification of the bill as will not admit of the construction of which it is now supposed to be susceptible. I feel great reluctance to delay your time in making a review of your proceedings; but as I have supposed that the legal construction of the bill may go beyond the objects and intention of the general assembly, I have permitted this consideration to determine me, and which can labor under no other objection than that of having been mistaken, or unnecessary; of which you are the competent judges.

I have the honor to be, most respectfully, your obedient servant,

JOHN MURPHY.

The Senate then proceeded to reconsider the bill entitled, an act authorizing titles to the lands and town lots given to the state by the citizens of Tuscaloosa, to be made to the governor for the use and benefit of the state, together with the governor's objections thereto.

The question was put—"shall the bill pass?" and determined in the affirmative by a majority of the whole number elected to the senate. Yeas 12—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are,
 mr. President Clay Crabb Jackson Merriwether Shackelford
 Brown Gaines McCamy Miller Powell Skinner

Those who voted in the negative are,
 mr. Abercrombie Ashe Casey Irwin Jones Sullivan—6

Ordered, That the bill together with the governor's objections be reported to the house of representatives

The following communication was received from the governor by mr. Aiken.

EXECUTIVE DEPARTMENT, Jan. 4th, 1827.

The Hon. the President and members of the Senate:

Gentlemen—I beg leave to recommend that the militia laws be so changed, as to make it the duty of the major generals to detail the courts martial to decide the contested elections of brigadier generals in their several divisions. Delays which cannot be accounted for, have occurred in detailing a court to decide a contested election of brig. gen in the 13th brigade. In that brigade there was a contested election of Brig. in the year 1825; and a court martial decided that the election was void.

A new election in 1826 was ordered & held, & the election was again contested. Several applications have been made to the adjutant general to detail a court; but from causes unknown to this department, no such detail is yet known to have been made. It is believed, that it would be more convenient, and less liable to injurious delays, as in the present instance, should the power to detail courts in such cases be vested in the major generals.

I have the honor most respectfully to be your obed't. serv't.

JOHN MURPHY.

Ordered, That the communication be referred to the military committee. Ordered, That Mr. Jackson be added to the military committee.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to authorize Ebenezer Pyram to sell a certain tract of land on the terms and conditions therein mentioned; an act for the improving the road leading from Blakely to the upper line of Baldwin county, by the way of Durant's; an act to divorce John Hamblin from Hannah Hamblin; an act to incorporate the Tuscaloosa library company; an act to divorce Morgan Buck from Lavinia Buck; an act authorizing the citizens of Somerville to elect a constable—all of which were accordingly signed by Mr. President.

A message from the House of Representatives by Mr. Vandyke: Mr. President—The house of representatives recede from their amendment to the bill entitled an act to prevent the Creek Indians from hunting on lands within the settled limits of this state, by striking out the word 'creek' wherever it occurs in the bill. They concur in the amendment made by the senate to their amendment to said bill. They have passed a bill which originated in the senate, entitled, an act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31, 1822. They have also passed bills which originated in their house, entitled—an act to authorize the school commissioners of the 7th township of range 13, to lease the sixteenth section in said township; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes; an act to establish a road from Montevallo to Greensborough; an act to incorporate the town of Pikeville; an act to authorize James McDavid to emancipate certain slaves therein named; an act to repeal an act incorporating the town of Rodney in Washington county; an act amendatory to an act passed on the 14th January, 1826, entitled an act to authorize Wm. H. Ragsdale and his associates to turnpike a road therein specified; an act to put a part of Byler's road under the jurisdiction of the county court of Tuscaloosa; an act amendatory of the laws now in force on the subject of bail in civil cases; an act providing for the compensation of B. B. Breden; an act to authorize executions and attachments to be levied on growing crops in certain cases; an act to require additional services to be performed by the judge of the first judicial circuit in this state; an act for the relief of defendants in certain cases; an act to exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty; and for other purposes; and an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on line creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31st, 1822. In all of which they desire your concurrence.

A bill entitled an act amendatory to an act passed on the 14th Jan. 1826, entitled an act to authorize Wm. H. Ragsdale and his associates to turnpike a road therein specified, was read; and the rule requiring bills to be read on three several days being dispensed with, it was read the second time, and referred to a select committee, consisting of Messrs. Clay, Skinner and Abercrombie, to consider and report thereon.

Bills from the House of Representatives, entitled an act to require additional services to be performed by the Judge of the first judicial circuit in this state; an act to exempt the members of the hook and ladder

company in the city of Mobile from militia and patrol duties, and for other purposes; an act for the relief of defendants in certain cases; an act providing for the compensation of B. B. Breeden; an act amendatory of the laws now in force on the subject of bail in civil cases; an act to repeal an act incorporating the town of Rodney in Washington county; an act to authorize James M'David to emancipate certain slaves therein named; an act to incorporate the town of Pikeville; an act to authorize executions and attachments to be levied on growing crops in certain cases; an act to establish a road from Montevallo to Greensborough; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes; and an act to authorize the school commissioners of the seventh township, of range thirteen, to lease the sixteenth section in said township, were severally read the first time, and ordered to a second reading to-morrow.

A bill to be entitled an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on Line creek, the one to Coffeyville, the other to Tuscaloosa, passed Dec. 31st, 1822, was read the first and second time, and referred to a special committee, consisting of messrs. Abercrombie, Clay and Skinner, to consider and report thereon.

A bill to be entitled an act to put part of Byler's road under the jurisdiction of the county court of Tuscaloosa, was read the first time, and ordered to lie on the table till the first day of June next.

Mr. Crabb introduced resolutions instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure an equal extension of the national judicial system to the western and south-western states of the union; which was read the first and second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Clay, from the select committee to which was referred a bill to be entitled an act amendatory to an act passed on the 4th of January, 1826, entitled an act to authorize Wm. H. Ragsdale and his associates to turnpike a road therein specified, reported the same as amended; which was concurred in. *Ordered*, that the bill be read the third time to-morrow.

Mr. M'Camy moved to reconsider the vote of the Senate on the question to postpone indefinitely the bill entitled an act to regulate appointments by the judges of the county courts, and for other purposes, which was carried. *Ordered*, that the bill be referred to a select committee, to consist of messrs. Jackson, Skinner and M'Camy, to consider and report thereon.

Ordered, that the bill entitled an act to authorize Willey Harris to emancipate slaves Jim and George, lie on the table.

Mr. Jackson moved to reconsider the vote of the Senate ordering to a third reading to-day the bill entitled an act to repeal an act entitled an act to fix the time for convening the General Assembly of the state of Alabama, passed Dec. 6, 1821; which was carried. Mr. Jackson then moved to strike out "the first," and insert "the second," so as to provide that the General Assembly shall meet on the second instead of the first Monday in November; which was carried. The bill was then read the third time and rejected.

A bill to be entitled an act appointing a mode in which the site for

the state capitol shall be selected, was read the third time, amended by way of rider, and passed. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act making appropriations for the year 1827, was read the second time, amended by the addition of a section, on Mr. Jackson's motion, and ordered to a third reading to-morrow.

A bill to be entitled an act to compensate Reuben Chapman for certain services therein mentioned; an act to authorize Edward Sims and his associates to open a turnpike road therein named; an act reducing the price of the Digest of the laws of Alabama; an act to amend in part an act for the relief of Wm. M'Daniel, passed 3d January, 1825; an act for the relief of Charles A. Henry; an act to authorize the raising by lottery a sum of money for purposes therein specified; an act for the relief of the securities of John Archer, deceased; and, an act to incorporate the Pikeville library company, were severally read the third time and passed. *Ordered*, that the bills be returned to the House of Rep.

A bill to be entitled an act to authorize William Waller to manumit certain slaves therein named, was read the third time, and rejected.

A bill to be entitled an act to authorize David Leach to emancipate certain slaves therein named, was read the third time, and rejected.

A bill to be entitled an act to define the boundary line between Shelby and Autauga county, was read the third time, and referred to the committee on county boundaries to consider and report thereon.

Resolutions instructing our Senators and requesting our Representatives in Congress to endeavor to procure the passage of a law establishing a land office at Bellefonte in Jackson county, were severally read the second time, and on the question, shall the resolutions be read the third time to-morrow? it was determined in the affirmative—yeas 9, nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Ashe, Brown, Crabb, M'Camy, Merriwether, Powell, Shackelford and Skinner.

Those who voted in the negative are, messrs. Abercrombie, Casey, Clay, Jackson, Irwin, Jones, Miller and Sullivan.

Memorial to the Congress of the United States upon the subject of a donation to the La Fayette academy in the village of La Grange, was read the second time, and referred to a select committee, to consist of messrs. Shackelford, Jackson and Brown, to consider and report thereon.

A bill to be entitled an act to locate the university of Alabama, was read the second time. Mr. Abercrombie moved that the bill lie on the table till the first day of June next, which was lost—yeas 8, nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie, Ashe, Casey, Irwin, Jones, Merriwether, Shackelford and Sullivan. Those who voted in the negative are, Mr. President, Brown, Clay, Crabb, Jackson, M'Camy, Miller and Skinner.

Mr. Abercrombie, from the committee on county boundaries, made the following report:—The committee on county boundaries, to which was referred the petition of sundry citizens of Bibb county, praying the annexation of a part of Tuscaloosa county to Bibb, and also the petition of sundry citizens of Tuscaloosa county, residing in Hill's settlement, praying to be added to Bibb county, have had the same under consideration, and directed me to report, that the prayer of the petitioners is reasonable, and ought to be granted, inasmuch as the addition of

that part of Tuscaloosa county, known as Hill's settlement, to Bibb county, would remove all doubt as to the want of sufficient territory in Bibb to form a county of the size required by the constitution, and would not reduce Tuscaloosa below its constitutional extent of square miles. The convenience of the people residing in Hill's settlement would also be consulted by the adoption of the measure proposed; but from the late period of the session, your committee are disposed to recommend the postponement of the further consideration of the subject till the next session; and ask to be discharged therefrom; which was agreed to.

And then the Senate adjourned till to-morrow morning at 10 o'clock.

Saturday, January 6, 1827.

The Senate met pursuant to adjournment.

Mr. Miller, from the select committee to which was referred a bill to be entitled an act to improve the navigation of Flint river in Madison county, reported the same as amended; which was concurred in. Ordered, that the bill be read the third time on Monday next.

A message from the Governor by Mr. Allen.

Mr. President—The Governor did on the 4th inst. approve and sign, an act to provide for the distribution of the public arms among the different volunteer corps in this state; and on the 5th inst. an act authorizing an extension of the lease taken by Seth Hunt of the salt springs in the counties of Clarke and Monroe; both of which originated in the Senate.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, resolutions appointing commissioners to report on the claims of the first purchasers of lots in Calabash in 1819 to the next General Assembly, and for other purposes; an act explanatory of an act, entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31st. 1822; an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state: all of which were accordingly signed by Mr. President.

Mr. Jackson, from the select committee to which was referred the plan of the state capitol, reported the following alterations: Reduce the size of the two chambers ten feet, so as to make the Representative chamber seventy feet by seventy feet, and the Senate chamber sixty feet by seventy feet; extend the galleries on the back part of each chamber fifteen feet wide, both in the first and second stories; put three fire places in each chamber, as marked on the plan in pencil mark; raise the second story so as to make the windows the same size of the windows in the first story. The committee further recommend, that the lower story be built until raised four feet above the ground of good dressed stone, or ranged work, and the balance of the building to be made of brick. The first story of the two chambers, and all the outside walls, three bricks thick, and the second story two and half bricks thick; and all the inner walls two bricks thick. The whole of the work to be executed in a neat, plain style, and in all its parts to be made substantial. The committee, from such estimate as they are enabled to make, feel assured the building, when finished, will not exceed the appropriation: Which report was concurred in, and the plan of the capitol as altered by the committee adopted by the Senate. Ordered, that the report and plan of the capitol be sent to the House for their concurrence.

Mr. Jackson, from the committee on the state bank, to which was re-

ferred a resolution of the Senate instructing them to inquire into the propriety of passing a law imposing a tax on the stock owned by individuals in the branch bank of the United States recently established in Mobile, asked to be discharged from the further consideration thereof; which was granted.

Mr. Jackson, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law authorizing the Banks of the State of Alabama and Tombecbe to refuse to pay specie for their notes when *runs* are made on them by other institutions for speculative purposes, reported, that it is inexpedient to pass such a law; which was concurred in.

Mr. Jackson, from the same committee, to which was referred a resolution of the Senate instructing them to inquire into the propriety of authorizing the receipt of 8 per cent on all loans to be made by the State and Tombecbe banks after the first day of January inst. reported the same as inexpedient; which was concurred in.

Mr. Jackson, from the same committee, to which was referred a resolution of the Senate instructing them to inquire as to the expediency of establishing a branch of the State Bank at the present session, at what point it would be most for the interest of the institution to locate such branch; and what alterations, if any, are necessary to be made in the charter of the said bank to assure the safety of the public funds composing its capital, and the profitable employment of the same, reported, that it is inexpedient to legislate on the subjects embraced in the resolution at the present session; which was concurred in.

Mr. Jackson, from the same committee, to which was referred the communication from the Governor of the 12th of December, recommending a subscription by the state of stock in the Bank of Mobile to the amount of one hundred thousand dollars, reported, that it is inexpedient to make the subscription; which was concurred in.

Mr. Jackson, from the same committee, to which was referred a resolution of the Senate instructing them to inquire into the expediency of appointing some suitable person in the town of Huntsville as the agent of the State Bank, to receive the discounts, curtailments, &c. which accrue in Madison and Jackson counties, reported, that it is inexpedient to make such an appointment; which was concurred in.

Mr. Casey, from the committee on roads, bridges and ferries, to which was referred the bill entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways, reported the same as amended; which was concurred in. The bill was then read the third time, and ordered to lie on the table till Monday next.

Mr. Jackson, from the select committee to which was referred a bill to be entitled an act to amend the charter of the Bank of the State of Alabama, reported the same as amended; which was concurred in.—*Ordered*, that the bill be read the third time on Monday next.

A message from the House of Representatives by Mr. Stuart.

Mr. President—The House of Representatives have read three times and passed, bills which originated in their House, entitled an act to authorize a more equal division of the 17th and 18th regiments of the militia in the county of Tuscaloosa; an act more effectually to protect sheriffs and constables in the discharge of their duties; an act for the relief of Daniel Coleman; an act to incorporate the Rocky Mount aca

demy in Autauga county; an act to authorize John Snoddy to emancipate a certain negro slave; an act authorizing parties litigant to take the depositions of witnesses residing within this state in certain cases; an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Shelby to alter a certain road therein named; an act further to relieve insolvent debtors, and the better to secure the rights of creditors; and, an act amendatory to the laws now in force relative to attachments: in which they desire your concurrence. They have also passed a bill which originated in the Senate, entitled an act for the relief of the legal representatives of Daniel Duval. They concur in the amendments made by your honorable body to the bill entitled an act to alter the times of holding the county courts of the counties of Tuscaloosa, Lawrence and Limestone, and have amended your amendment to the said bill in the manner herewith shown: in which they ask your concurrence.

Ordered, that the Senate concur in the amendment made by the House of Representatives to their amendment to the above mentioned bill. *Ordered*, that the secretary acquaint the House of Representatives therewith.

A bill from the House of Representatives entitled an act to authorize John Snoddy to emancipate a negro slave, was read the first time, and ordered to lie on the table.

The remainder of the bills mentioned in the foregoing message from the House of Representatives, were severally read the first time in the Senate, and ordered to a second reading on Monday next.

Mr. Abercrombie, from the select committee to which was referred a bill to be entitled an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on Line creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31st, 1822, reported the same without amendment. *Ordered*, that the bill lie on the table till Monday next.

Mr. Powell called up the bill to be entitled an act to compensate the commissioners to close the unsettled accounts between this state and Mississippi. The bill was then read the third time and passed. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act to amend an act to establish the Bank of the State of Alabama, approved Dec. 20th, 1823, was read the third time as amended. Mr. Gaines moved to fill the blank in the bill where it relates to the salary of the clerk of the bank with eight hundred dollars; which was carried. The question was then put, shall the bill pass? and determined in the affirmative—yeas 9, nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Ashe, Brown, Clay, Jackson, McCamy, Powell and Shackelford. Those who voted in the negative are, Messrs. Casey, Crabb, Gaines, Irwin, Jones, Merriwether, Miller and Sullivan.

So the bill was passed. *Ordered*, that it be returned to the House of Representatives.

Engrossed resolutions instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure an equal extension of the national judiciary system to the western and southwestern states of the union, were read the third time and passed. *Ordered*, that they be reported to the House of Representatives for concurrence.

Resolutions instructing our Senators and requesting our Representatives in the Congress of the United States to endeavor to procure the passage of a law establishing a land office at Bellefonte in Jackson county, were read the third time, and on the question, shall the resolution pass? it was determined in the negative—yeas 8, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Ashe, Brown, Clay, M'Camy, Merriwether, Powell, Skinner and Shackelford. Those who voted in the negative are, Mr. President, Abercrombie, Casey, Crabb, Gaines, Jackson, Irwin, Jones, Miller and Sullivan.

Bills entitled an act making appropriations for the year 1827; and, an act amendatory to an act, passed on the 14th of January, 1826, entitled an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified, were severally read the third time and passed. Ordered, that they be returned to the House of Representatives.

Ordered, that the bill to be entitled an act to authorize the school commissioners of the 17th township, range 13, to lease the 16th section in said township, lie on the table.

Bills to be entitled an act to establish a road from Montevallo to Greensborough; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county; an act to exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes; an act for the relief of defendants in certain cases; an act amendatory of the laws now in force on the subject of bail in civil cases; an act to incorporate the town of Pikeville; an act to repeal an act incorporating the town of Rodney in Washington county; and, an act providing for the compensation of B. B. Breeden, were severally read the second time, and ordered to a third reading on Monday next.

A bill to be entitled an act to require additional services to be performed by the judge of the first judicial circuit in this state, was read the second time, and ordered to lie on the table.

The Senate resumed the consideration of the bill entitled an act to locate the univeasity of Alabama. Mr. Shackelford moved that the bill lie on the table till Monday next; which was lost—yeas 8, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie, Ashe, Casey, Irwin, Jones, Merriwether, Shackelford and Sullivan. Those who voted in the negative are, Mr. President, Brown, Clay, Crabb, Gaines, Jackson, M'Camy, Miller, Powell and Skinner.

The question was then put, shall the bill be read the third time on Monday next? and determined in the affirmative—yeas 10, nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Brown, Clay, Crabb, Gaines, Jackson, M'Camy, Miller, Powell and Skinner. Those who voted in the negative are, messrs. Abercrombie, Ashe, Casey, Irwin, Jones, Merriwether, Shackelford and Sullivan.

So the bill was ordered to a third reading on Monday next.

Mr. Crabb, from the military committee, to which was referred the communication of his Excellency the Governor in relation to the trial of contested elections of Brigadiers General, reported, that it is inexpedient to change the mode of detailing courts martial for that purpose;

but would respectfully suggest the propriety of calling to an account the delinquent officer alluded to in said message; which was concurred in.

A bill to be entitled, an act to authorize James McDavid to emancipate certain slaves therein named, was read the second time and ordered to lie on the table. A bill to be entitled, an act to authorize executions and attachments to be levied on growing crops in certain cases was read the second time, and amended on Mr. McCamy's motion.

Mr. Crabb moved, that the further consideration of the bill be postponed till the 3d Monday in November next; which was carried. Yeas 9—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. President	Casey,	Games	Jones	Sullivan-9
Brown	Crabb	Jackson	Merriwether	

Those who voted in the negative are,

Mr. Ashe	Miller	Powell	Shackleford	Skinner-7
Irwin	McCamy			

Mr. Shackleford introduced a joint resolution, authorizing the governor to offer the university lands in Shelby and Bibb counties for sale on the 3d Monday in February next, which was read. The rule requiring joint resolutions to be read on three several days being dispensed with, it was read the second and third time forthwith, and passed. Yeas 10—Nays 5.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. Ashe	Casey	McCamy	Powell	Skinner
Brown	Crabb	Miller	Shackleford	Sullivan-10

Those who voted in the negative are,

Mr. President	Games	Jackson	Jones	Merriwether-5
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Ordered, That the resolution be reported to the House of Representatives for concurrence.

Mr. Jackson asked, and obtained leave of absence for Mr. Clay from the Senate for the remainder of the session. And then the senate adjourned till Monday morning at 10 o'clock.

Monday, 8th January, 1827.

The senate met pursuant to adjournment. Mr. Abercrombie, from the committee on county boundaries, to which was referred the bill to be entitled, an act to define the boundary line between Shelby and Autauga counties, reported the same without amendment. The bill was then read the third time and passed.—*Ordered*, That it be returned to the house of representatives.

Mr. Jackson, from the joint committee elected to examine into the affairs of the bank of the state of Alabama, submitted a report; and the lobby being cleared and the doors closed, the report was read and concurred in.

Mr. Casey offered the following resolution: *Resolved* by the Senate, with the concurrence of the House of Representatives, That the injunction of secrecy on the report of the committee elected to examine into the state and situation of the state bank be removed, and that said report be spread on the journals of each house; which was adopted. *Ordered*, That the resolution be reported to the House of Representatives for concurrence.

Mr. Jackson offered the following resolution: *Resolved*, That the judiciary committee be instructed to report a bill to this house, repealing that part of the charter to establish the bank of the state of Alabama, which enjoins secrecy either on the general assembly, or any committee elected by both houses thereof.

Ordered, That the resolution lie on the table.

Mr. Shackleford, from the select committee to which was referred a memorial to the congress of the U. States, on the subject of a donation to the trustees of Lafayette academy in the village of Lagrange, reported the same without amendment. *Ordered*, That the memorial be read a third time to-morrow.

A message from the house of representatives by Mr. Tunstall.

Mr. President—The house of representatives have read a third time and passed a joint resolution to remove the injunction of secrecy imposed on the joint

committee appointed to examine the state bank: in which they desire your concurrence. The resolution was read the first time in the senate, and the rule requiring joint resolutions to be read on three several days being dispensed with, the resolution was read the 2d & 3d time & passed. Ordered, That it be returned to the house of representatives.

The report of the joint committee, elected to examine into the state and condition of the bank is as follows:

The joint committee, appointed by both branches of the General Assembly, to examine into the situation and condition of the bank of the state of Alabama, respectfully REPORT—

That the paper hereunto annexed, marked (A.) is an expose of the situation and condition of the Bank up to the 11th December, 1826, at which time the examination of the books of the bank, so far as they are connected with the funds of the institution, was completed. The paper marked (B) presents the nett profits of the bank, after deducting the interests and dividends on the different funds constituting the capital stock, as well as the expenses of the bank. On the 11th December, as appears by the statement marked (A) the amount due to the bank on notes discounted to individuals, was five hundred and twenty two thousand one hundred and eighty four dollars (\$522,184 00.) All means within reach of the committee, were employed to ascertain the situation of the debtors to the bank: and they have not discovered that any loss will be sustained from the debts due. Nearly the whole of this sum has been discounted to individuals that are considered perfectly good: an inconsiderable sum is believed to be doubtful; but from every information, they are of opinion that little or no loss will be sustained.

In the discharge of the various duties devolving on the committee, their report has been greatly delayed: this delay, however, enables them to present the condition of the bank on the 6th inst. as appears by the paper hereunto annexed, marked (C). This statement is made out by the Cashier, and implicit confidence may be placed in it. By referring to the papers marked (A) and (C) it will be perceived that the condition of the bank has greatly improved since the 11th of December. This improvement is the practical result of the system, upon which the bank has been organized. The debts due on accommodation paper, have been diminished one hundred and forty seven thousand six hundred and seventy five dollars, (\$147,675 00;) while the available funds of the institution have been increased one hundred and sixty-eight thousand five hundred and fifty-nine dollars and sixty-seven and one fourth cents, (\$168,559 67 1-4) by the purchase of bills of exchange, and by the paper of other banks paid in; and still the circulating paper of this bank has been diminished three thousand four hundred and fifty-two dollars, (\$3,452). It may be proper here to say something in relation to the means of the bank to redeem its paper now in circulation. The paper marked (C) shews that the bank is liable for the sum of three hundred and ninety eight thousand two hundred and seven dollars and seventy-three and a half cents, (\$398,207 73 1-2) including the debts due to other banks, to individual depositors, and its notes in circulation. The amount of cash on hand, including specie, notes of other banks, and bills of exchange, is three hundred and seventy-three thousand, three hundred and seventy four dollars, and sixty-eight and a fourth cents, (\$373,374 68 1 4 cts.) The notes of other banks now on hand, and the bills of exchange may be converted into specie if necessary; and thus the bank is enabled to discharge the debts due from it, and redeem its paper at any time. Of the debts due from the bank the deposit account forms a considerable item. The paper hereunto annexed, marked (D) will show the character of these deposits, and that they have been carried principally to the credit of the state, or are intended for the payment of debts due to the bank. From this view it must be apparent that this bank is able to meet any demand against it, and continues to deserve the public confidence.

The prosperity of this institution is inseparably connected with the financial prosperity of the state. To sustain its present prosperity, the committee have

thought proper to recommend to the Board of Directors, the necessity of continuing the prudent management of the affairs of the bank upon correct banking principles, consistently with the provisions of the charter.

JAMES JACKSON, Chairman on the part of the senate.

THOMAS CASEY, }
GEO. S. GAINES, } on the part of the Senate.

ELDRIDGE S. GREENING, Ch'n on the part of H. of R.

DAVID MOORE, } on the part of the House of

GEO. WEISSENGER, } Representatives.

(A)

State of the Bank of the State of Alabama on the 11th day of December, 1826.

Capital stock paid in,	\$336,773 60 1-2
Notes of this bank in circulation this day	255,987 00
Due to individual depositors	121,984 56 1-2
Due to other banks,	2,786 91
Expenses chargeable upon the institution and remaining unpaid,	1,705 45
Nett gain on the transactions of the bank up to this date, as per statement marked (B), exclusive of the dividends and interest due and paid on the capital stock,	8,880 65

\$728,118 18

Bills discounted, due this day,	\$522,184
Banking House at Cahawba, (at cost),	1,119 17

Cash on hand:

Specie,	\$52,085 01
Notes of other solvent banks,	104,224
Bills of Exchange,	48,506
	<hr/> 204,815 01

\$728,118 18

(B)

Statement of the expenses incurred, and interest received, by the Bank of the state of Alabama, from the 9th day of January, 1826, to the 11th day of December, 1826, inclusive; including a balance of gain on the 9th of January last.

To interest paid on the specie loan, of \$100,000,	\$4,349 97
To interest from 1st October, 1826, due and unpaid,	1,182 90
To interest paid on the University Fund,	4,018 30
To interest from 9th November, due and unpaid,	449 27
To dividend of 8 1-40 per cent paid on Three per cent Fund on the 9th day of November last,	5,091 00
To dividend of 8 1-40 per cent paid on seat of government fund on the 9th November last,	5,099 86
To expense account since the 9th day of January, 1826, including the sum of \$73,28, due by the institution for officers salaries, unpaid,	3,673 64
To gain by the transactions of the bank up to the 11th day of December, 1826, exclusive of the dividends and interest as shewn above,	8,880 65

\$32,745 59

By balance of gain on the 9th January, 1826,	\$1,629 09
By gain by discounts, premiums of bills of exchange, and interest received, from the 9th January, 1826, to the 11th Decem-	

ber, 1826, inclusive, 31,116 50

832,745 59

(C)

An Exhibit of the state of the Bank of the State of Alabama, on the 6th day of January, 1827.

Capital stock paid in,	\$336,773 60 1-2
Due to individual depositors account,	125,484 44
Due to other banks,	20,188 29 1-2
Notes of this bank in circulation,	255,535 00
To profit and loss, for balance,	14,021 51 1-4

\$749,002 35 1-4

Bills discounted and due,	374,509 00
Banking house at Cahawba,	1,119 17
Cash. Specie on hand,	52,484 49 1-4
Notes of other solvent banks	151,301 00
Bills of Exchange on Mobile, New-Orleans, and New-York,	169,589 19

373,374 63 1-4

\$749,002 35 1-4

To interest on specie loan of \$100,000, from 1st Oct. last,	1,600 02
To interest on university fund from 9th Nov. last	801 11
To salaries due up to date, and unpaid,	302 78
Nett gain up to this date, exclusive of dividends and interest paid and due on the capital stock.	11,317 60 1-4

\$14,021 51 1-4

Gain by profit and loss, brought down,	14,021 51 1-4
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\$14,021 51 1-4

Tuscaloosa, 6th Jan. 1826.

J. B. COOK, Cashier.

(D)

BANK, 6th January, 1827.

By a reference this day had to the individual accounts, composing the general account of individual depositors, the items appear as follows:

To the credit of the state Treasury,	\$63,593 93 1-2
To " " University Fund,	15,233 54
To " " Seat of Government Fund,	113 37 1-2
To " of individual accounts as partial payments on notes,	27,080 59
To " of individuals for general account & subject to check,	19,463 00

Amount of individual depositors account as reported, \$125,484 44

J. B. COOK, Cashier.

Mr. Casey called up the bill entitled, an act to incorporate the Alabama and Tennessee canal company, together with the amendments proposed thereto by the select committee to which it was heretofore referred. The amendments

proposed by the committee were further amended and concurred in. The bill was then read the third time and passed. Ordered, That it be reported to the House of Representatives.

Mr. Bagby offered the following resolution: *Resolved*, by the Senate, with the concurrence of the House of Representatives, that the two houses will proceed this day at 3 o'clock, p. m. to elect a President and Board of Directors of the bank of the state of Alabama; which was adopted.

Mr. Crabb, from the military committee, to which was referred the report of Matthew D. Thomason, in relation to the camp equipage, quarter-master's stores, ordnance, &c. reported, that the committee having already examined the situation of the public arms, &c. and made report thereon to the Senate, beg to be discharged from the further consideration of the same; which was agreed to. Mr. Jackson called up his resolution instructing the judiciary committee, to report a bill to this house, repealing that part of the law which enjoins secrecy, either on the general assembly, or any committee elected by both houses, to examine into the affairs of the bank. The question was then put on the adoption of the resolution, and determined in the affirmative. Yeas 12—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are
 Mr. President Ashe Bagby Gaines Jones Powell
 Abercrombie Brown Crabb Jackson McCamy Shackleford—12

Those who voted in the negative are,
 Mr. Casey Merriwether Miller Skinner Sullivan—6
 Irwin

Ordered, That the engrossed bill to be entitled, an act to improve the navigation of Flint river, in Madison county, lie on the table.

Bills of the following titles, to wit: an act to reduce into one the several acts concerning roads, highways, bridges, and ferries; an act providing for the compensation of B. B. Breden; an act to exempt the members of the Hook and Ladder company in the city of Mobile, from militia and patrol duties; and for other purposes; an act to repeal an act incorporating the town of Rodney, in Washington county; an act to incorporate the town of Pikeville; an act amendatory of the laws now in force, on the subject of bail in civil cases and an act to establish a road from Montevallo to Greensborough, were severally read the third time and passed. Ordered, That they be returned to the House of Representatives.

An engrossed bill, to be entitled, an act more effectually to enable the president & directors of the the bank of the state of Alabama to judge of the solvency of applicants for discounts at said bank, was read the third time, and referred to the committee on the judiciary to consider and report thereon: a bill to be entitled, an act for the relief of defendants in certain cases was read the third time and ordered to lie on the table: a bill to be entitled, an act to locate the university of Alabama, was read the third time, and on the question, 'shall the bill pass?' it was determined in the negative. Yeas 9—Nays 9

The yeas and nays being desired, those who voted in the affirmative are,
 Mr. President Crabb Jackson Miller Skinner—9
 Brown Gaines McCamy Powell

Those who voted in the negative are,
 Mr. Abercrombie Bagby Irwin Merriwether Sullivan—9
 Ashe Casey Jones Shackleford

So the bill was rejected. A bill to be entitled, an act to vest in the county court of Covington county, the powers heretofore exercised by the commissioners of said county, and for other purposes, was referred to a select committee, consisting of messrs. Irwin, Brown and Casey, to consider and report thereon.

Mr. Bagby called up the bill to be entitled, an act to require additional services to be performed by the judge of the first judicial circuit in this state.

Mr. Jackson moved to strike out that part of the bill which provides for a repeal of the law requiring the judges to alternate so far as relates to the judge of

the first circuit; which was lost. The bill was then read the third time and passed. Yeas 12—Nays 6.

The yeas and nays being desired on the passage of the bill, those who voted in the affirmative are,

Mr. President	Brown	Gaines	McCamy	Skinner—12
Ashe	Bagby	Casey	Jones	Miller
			Powell	Shackleford

Those who voted in the negative are,
Mr. Abercrombie Jackson Irwin
Crabb

Merriwether Sullivan—6

So the bill was passed. Ordered, That it be returned to the house of representatives.

Bills entitled, an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on line creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec'r. 31st, 1822: an act amendatory to the laws now in force, relative to attachments: an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Shelby, to alter a certain road therein named: an act to incorporate the Rocky Mount Academy in Autauga county: an act to authorize a more equal division of the 17th and 18th regiments of militia in Tuscaloosa county: an act more effectually to protect sheriffs, coroners and constables, in the discharge of their duties: and an act further to relieve insolvent debtors, and the better to secure the rights of creditors, were severally read the second time, and ordered to a third reading to-morrow.

A bill to be entitled, an act to authorize parties litigant to take the depositions of witnesses within this state, in certain cases, was read the second time and amended, on Mr. Jackson's motion.

Mr. Merriwether moved that the bill lie on the table till the 1st day of June next; which was carried. Yeas 9—Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are,

Mr. President, Brown, Casey, Crabb, Jones, McCamy, Merriwether, Miller, Sullivan—9.

Those who voted in the negative are: Mr. Abercrombie, Ashe, Gaines, Jackson, Irwin, Powell, and Skinner—7.

A bill to be entitled, an act for the relief of Daniel Coleman, was read the second time, amended, by adding the words 'of Washington,' to the caption, and ordered to a third reading to-morrow.

Mr. Casey called up the bill to be entitled an act to authorize the school commissioners of the 17th township, range 13, to lease the 16th section in said township. Ordered, That the bill be read the third time to-morrow.

Mr. Casey offered the following resolution: *Resolved*, by the Senate, with the concurrence of the house of representatives, that the senate will convene in the representative hall, to elect the site for the state capitol to-morrow at 12 o'clock.

Mr. Gaines moved to amend the resolution by striking out '12,' and inserting '3' o'clock, which was carried. Ordered, That the resolution as amended lie on the table.

On motion of Mr. Jackson, ordered, that Mr. Casey have leave of absence from the senate, for the remainder of the session after to-morrow.

A message from the House of Representatives by Mr. Tunstall:

Mr. President—The house of representatives concur in the resolution of your honorable body, to go into the election of a president and directors of the bank of the state of Alabama, and have amended the same by striking out '3,' and inserting 'six' o'clock; in which they ask your concurrence. Ordered, That the senate concur in the amendment made by the house of representatives to the above resolution. And then the senate adjourned till 6 o'clock this evening.

6 o'clock, p. m.—The senate met pursuant to adjournment.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled: an act for the relief of the legal representatives of Daniel Duval; which was accordingly signed by Mr. President.

Mr. Casey, who voted in the majority moved to reconsider the vote on the passage of the resolutions instructing our senators and requesting our representatives in the congress of the United States, to use their endeavors to procure the passage of an act establishing a land office at Bellefonte, in Jackson county, which was carried.

Mr. Bagby offered the following resolution: Resolved, That a message be sent to the House of Representatives, informing that body that, pursuant to a resolution adopted by this House, and amended in the other house, the Senate is now ready to proceed to the election of a president and board of directors of the bank of the state of Alabama—(quarter past 6 o'clock, p. m.)—Mr. Casey moved that the resolution lie on the table; which was carried. Yeas 9—Nays 4

The yeas and nays being desired, those who voted in the affirmative are,

Mr. President, Casey, Gaines, Jackson, McCamy, Merriwether, Miller, Powell, Sullivan.—9.

Those who voted in the negative are: Mr. Bagby, Brown, Irwin, Skinner—4. And then the senate adjourned till to morrow morning at 10 o'clock

Tuesday, January 9, 1827.

The Senate met. A message by Mr. Tunstall.

Mr. President—The H. of Rep. have adopted the following resolution: *Resolved*, with the consent of the Senate, that this House will proceed this day, at 3 o'clock, to the election of a President and Directors of the Bank of the State of Alabama, and also the site for the state capitol: in which they desire your concurrence.

Ordered, that the resolution lie on the table.

The following message was also received by Mr. Tunstall.

Mr. President—The House of Representatives have passed bills which originated in the Senate, entitled an act making it the duty of the comptroller of public accounts to lay before both houses of the general assembly annually, in the first week of its session, a full expose of the disbursements made from the contingent fund; an act for the relief of James W. Armstrong; an act to authorize the Mobile school commissioners to raise a sum of money by lottery; an act relative to certain officers in Fayette county; an act for the relief of John McGrew; an act to repeal in part an act passed at St. Stephens, 10th Feb. 1818, incorporating the St. Stephens steam boat company; also, a report and resolutions in relation to the system for the disposing of the public lands, and to the unsettled land claims in this state; also, a resolution authorizing the Governor to offer the university lands in Shelby and Bibb counties for sale on the third Monday in February next. They concur in the several amendments made by your honorable body to bills of the following titles, to wit: an act appointing a mode in which the site for the state capitol shall be selected; an act amendatory of an act, passed on the 14th of January, 1826, entitled an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified; an act making appropriations for the year 1827; an act to amend an act, to establish the Bank of the State of Alabama, approved Dec. 30, 1823; an act to reduce into one the several acts concerning roads, bridges, ferries and highways; and, an act to incorporate the Alabama and Tennessee canal company. They have passed bills which originated in their House, entitled an act to amend an act concerning the town of Tusculumbia; an act organizing the 12th regiment of militia in St. Clair county; an act to revive a certain act therein named; an act to authorize a levy of a county tax for the county of Covington; an act to au-

authorize Edward Calvert to sell and convey a certain land certificate; an act to raise a revenue for the support of government until otherwise altered by law; an act for regulating the inspection of tobacco; an act amendatory to an act, entitled an act to class and fix the price of the university lands, passed Jan. 13, 1826; an act for the relief of Grantland & Robinson; an act to reduce into one the several acts giving fees to justices of the peace and constables; a report of the select committee and resolutions in relation to the unsettled accounts between the states of Alabama and Mississippi; and, an act to pay officers for taking prisoners from one county to another in this state: in all of which they desire your concurrence.

A report and resolutions in relation to the unsettled accounts between the states of Alabama and Mississippi, was read the first time, and the rule requiring joint resolutions to be read on three several days being dispensed with, the resolutions were read the second time, and referred to the select committee appointed on so much of the Governor's message as relates to the unsettled accounts between the said states.

Ordered, that Mr. Jackson be added to the committee on the subject embraced in the resolutions.

A bill to be entitled an act for regulating the inspection of tobacco, was ordered to lie on the table till the first day of June next.

The remainder of the bills mentioned in the foregoing message, and which originated in the House of Representatives, were severally read the first time in the Senate, and ordered to a second reading to-morrow.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act appointing a mode in which the site for the state capitol shall be selected: which was accordingly signed by Mr. President.

Mr. Crabb offered the following resolution: *Resolved*, by the Senate of the state of Alabama, that they believe Gen. Andrew Jackson to be an intelligent citizen, an honest man, a genuine republican, a pure and incorruptible statesman; and that the decided wish of a large majority of the people of Alabama is, that he may at the next presidential election be fairly and constitutionally elevated to the highest office in the gift of our country.

A call of the House being required, the resolution, according to a rule of the Senate, was laid on the table for one hour.

A bill to be entitled an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on Line creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec. 31st, 1822; an act to authorize the judge of the county court and commissioners of roads and revenue of Shelby county to alter a certain road therein named; and, an act to incorporate the Rocky Mount academy in Autauga county, were severally read the third time and passed.

A bill to be entitled an act amendatory to the laws now in force relative to attachments, was read the third time. Mr. Sullivan offered an amendment to the bill by way of rider. Mr. Powell moved that the bill and amendment lie on the table till the first day of June next; which was carried.

A bill to be entitled an act to authorize a more equal division of the 17th and 18th regiments of the militia in Tuscaloosa county, was read the third time and laid on the table.

Ordered, that the memorial to the Congress of the United States on the subject of a donation to the La Fayette academy in the village of La Grange, lie on the table.

A bill to be entitled an act for the relief of Daniel Coleman, of Washington, was ordered to lie on the table till to-morrow.

And then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. The Senate met.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to amend an act to establish the Bank of the State of Alabama, approved December 20th, 1823; and, an act making appropriations for the year 1827: which were accordingly signed by Mr. President.

Mr. Jackson called up the resolution from the House of Representatives, proposing to go into the election of a President and Directors of the Bank, and a site for the state capitol, to-day at 3 o'clock P. M. Mr. Powell moved to amend the resolution by striking out '3 o'clock,' which was carried. Mr. Crabb moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was lost—yeas 7, nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Abercrombie, Brown, Crabb, M'Camy, Miller Powell and Shackelford. Those who voted in the negative are, Mr. President, Ashe, Casey, Jackson, Irwin, Jones, Skinner and Sullivan.

Mr. Abercrombie moved that the Senate adjourn till to-morrow at half past nine o'clock, which was carried—yeas 9, nays 4.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Abercrombie, Brown, Crabb, Jones, M'Camy, Miller, Powell and Shackelford. Those who voted in the negative are, messrs. Ashe, Jackson, Irwin and Sullivan.

And then the President adjourned the Senate till to-morrow morning at half past nine o'clock.

Wednesday, January 10, 1827.

The Senate met pursuant to adjournment.

Mr. Brown, from the select committee to which was referred a bill to be entitled an act for the relief of Daniel Ayres, reported the same as amended; which was concurred in. *Ordered*, that the bill be engrossed for a third reading to-morrow.

Mr. Irwin, from the select committee to which was referred a bill to be entitled an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes, reported the same as amended; which was concurred in. *Ordered*, that the bill be read the third time to-morrow.

Mr. Powell offered the following resolution: Resolved, by the Senate, with the concurrence of the House of Representatives, that the members of the two houses of the General Assembly will convene in the Representative Hall, on this day, at 3 o'clock P. M. for the purpose of selecting a site for the state capitol, pursuant to the provisions of an act entitled an act appointing a mode in which the site for the state capitol shall be selected; also to elect a President and Board of Directors of the Bank of the State of Alabama for the ensuing year; which was adopted. *Ordered*, that the secretary acquaint the House of Representatives herewith.

The Senate resumed the consideration of the following resolution of-

ferred yesterday by Mr. Crabb: Resolved by the Senate of the state of Alabama, that they believe Gen. Andrew Jackson to be an intelligent citizen, an honest man, a genuine republican, a pure and incorruptible statesman; and that the decided wish of a large majority of the people of Alabama is, that he may at the next presidential election be fairly and constitutionally elevated to the highest office in the gift of our country.' The resolution was unanimously adopted.

An engrossed bill to be entitled an act to improve the navigation of Flint river in Madison county, was read the third time and passed.—*Ordered*, that the title of the bill be as aforesaid, and that it be reported to the House of Representatives for concurrence.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have adopted the following resolution, in which they ask your concurrence: Resolved, that the two Houses of the General Assembly, with the concurrence of the Senate, will assemble in the Hall of the House of Representatives, at the hour of 12 o'clock, for the purpose of selecting a site for the state capitol, and of electing a President and twelve Directors of the Bank of the State of Alabama.

Ordered, that the Senate concur in the above resolution, and that the secretary inform the House of Representatives thereof.

Mr. Bagby, from the committee on the judiciary, to which was referred a resolution instructing them to do so, reported a bill to be entitled an act to repeal in part and amend an act entitled an act to amend the charter of the Bank of the State of Alabama; which was read, and ordered to a second reading to-morrow.

Mr. Bagby, from the same committee, to which was referred the petition of Edwin Lewis, praying the removal of certain records therein named, reported, that the prayer of the petitioner is unreasonable, and ought not to be granted; which was concurred in.

Mr. Bagby, from the same committee, to which was referred a bill to be entitled an act to alter the times of holding the courts in the fifth judicial circuit, and for other purposes, reported the same without amendment. *Ordered*, that the bill be engrossed for a 3d reading to-morrow.

Mr. Bagby, from the same committee, to which was referred the memorial of sundry merchants and retailers of foreign and domestic goods, praying a change or reduction of the taxes now imposed on merchandize, reported, that the committee are of opinion that it would be inexpedient at this time to make the change in our system of taxation prayed for by the memorialists, and that they entertain no doubt as to the power of the General Assembly to impose the tax complained of.—They therefore asked to be discharged from the further consideration of the subject; which was agreed to.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have passed bills which originated in the Senate, entitled an act to authorize Abraham Smith and his associates to erect a mill on Coosa river; an act authorizing the transfer of certain lands therein mentioned; an act supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates the privilege of opening a turnpike road, commencing at or near John Gandy's in Morgan county, to intersect the old Huntsville road, at or near Elyton in Jefferson county; resolutions instructing our Sena-

tors and requesting our Representatives in Congress to use their endeavors to procure an equal extension of the national judiciary system to the western and south-western states of the Union; an act to authorize the intendant and town council of the town of Montgomery to hold their meetings in the court house of Montgomery county; an act to establish the permanent seat of justice in Walker county; and, an act to incorporate the marine railway and insurance company. They have passed bills which originated in their House, entitled an act concerning military courts martial; an act to legitimate Thomas Maxwell, jr.; an act to authorize the administrator and administratrix of George Hardwick to sell a certificate for one quarter section of land; an act to prohibit the importation of slaves into this state for sale or hire; an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa; an act to establish certain election precincts therein named; an act supplementary to the several acts now in force, first passed 31st Dec. 1822, and the second 24th Dec. 1824; memorial to the Congress of the United States asking permission for the trustees of the university of Alabama to select other lands in lieu of those herein described; an act to authorize Joseph Burleson and his associates to turnpike a road therein specified; an act to provide for the support of paupers; and, an act concerning the 16th sections therein mentioned: in all of which they desire your concurrence. They concur in the amendments made by your honorable body to the bill entitled an act amendatory of the laws now in force on the subject of bail in civil cases.

A bill to be entitled an act concerning the 16th sections therein mentioned, was read the first and second time, and ordered to lie on the table.

A bill to be entitled an act to provide for the support of paupers, was read the first time, and ordered to lie on the table till the first day of June next.

A bill to be entitled an act to authorize Joseph Burleson and his associates to turnpike a road therein specified; and an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa, were severally read the first time, and ordered to a second reading to-morrow.

A memorial to the Congress of the United States asking permission for the trustees of the university of Alabama to select other lands in lieu of those herein described, was read the first, second and third time, and passed. *Ordered*, that the same be returned to the House of Representatives.

A bill to be entitled an act supplementary to the several acts now in force, first passed 31st Dec. 1822, and the second 24th Dec. 1824, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the second and third time forthwith, and passed. *Ordered*, that it be returned to the House of Reps.

A bill to be entitled an act to establish certain election precincts therein named, was read the first and second time, amended, and ordered to lie on the table.

A bill to be entitled an act to prohibit the importation of slaves into this state for sale or hire, was read the first time. Mr. Shackelford moved that the bill lie on the table till the first day of June next; which was lost—yeas 4, nays 11.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Ashe, Irwin, Shackelford and Sullivan. Those who voted in the negative are, messrs. Brown, Casey, Crabb, Gaines, Jackson, Jones, McCamy, Merriwether, Miller, Powell and Skinner.

Ordered, that the bill be read the second time to-morrow.

A bill to be entitled an act to authorize the administrator and administratrix of George Hardwick to sell a certificate for one quarter section of land, was read the first time, and ordered to a 2d reading to-morrow.

Mr. Casey introduced a joint resolution authorizing the President of the Board of Trustees of the University to vest certain money in the stock of the State Bank; which was read the first and second time, and ordered to be engrossed for a third reading to-morrow.

A message was received from the House of Representatives by Mr. Tunstall, inviting the Senate to assemble in the Representative Hall for the purpose of selecting, by joint vote of both Houses, a site for the erection of a state capitol, and of electing a President and Directors of the Bank of the State of Alabama for the ensuing year. Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and after having taken their seats, the object of the meeting was announced—When the two Houses proceeded to the selection, by joint vote, of a site for the erection of the state capitol.

? Site No. 1—consisting of Lots known in the plan of the town of Tuscaloosa as Nos. 344, 345, 346, 347, 350, 391, 392, and 393, on Washington Street. Site No. 2—consisting of Lots 343, 349, 350, 351, 386, 387, 388 and 389. Site No. 3—known as the market square. Site No. 4—consisting of Lots No. 143, 144, 145 and 146 known as Childress' Hill. And Site No. 5, consisting of Lots known in the plan of Lower Tuscaloosa as No. 5, 6 and 7 as nominated by the joint committee in their report of the 3d instant were voted for. For Site No. 1, 3 votes; No. 2, 5; No. 3, 28; No. 4, 16; No. 5, 23.

Those who voted for No. 1, are, Messrs. Crabb, of the Senate, Lawler and Terry of the House—3.

Those who voted for Site No. 2, are Messrs. Jackson of the Senate, Acklen, Moore of Jack. and Rancy of the House.

Those who voted for Site No. 3, are Messrs. President, Gaines, McCamy, Meriwether, Powell, Shackelford, Skinner, of the Senate. Mr. Ambrister, Brown, Bradford, Brasher, Barclay, Davis of Jack. Dupuy, Duke, Edmondson, Ellis, Fluker, Harris, McClung, Moore of Mad. McVay of Laud. McVay of Law. Parham, Ross, Williams, Whitfield—28.

Those who voted for Site No. 4, are Messrs. Bagby, Casey of the Senate, Mr. Speaker, Bell, Craig, Coopwood, Davis of Frank. Exum, Greening, Heard, Jones, Perkins, Powell, Smith of Laud. Sims, Walthall,—16.

Those who voted for Site No. 5, are Messrs. Abercrombie, Ash, Irwin, Jones, Miller, Sullivan, of the Senate, Mr. Benson, Bridges, Broadnax, Crenshaw, Dale, Dennis, Edwards, Johnson, Lewis, Mead, Massey, Neill, Pickens, Rhodes, Smith of H. Smith of M. Weisenger,—23.

No one Site having received a majority of all the number of votes given, Mr. Speaker declared that no election had been made; and the two Houses proceeded to vote a second time to for a site for the State Capitol. Upon counting the votes given the second time there appeared to be, for Site No. 1, 1 vote, No. 2, 2; No. 3, 32; No. 4, 15; No. 5, 24.

The member who voted for Site No. 1, is Mr. Lawler.

Those who voted for Site No. 2, are Messrs. Acklen, and Moore of Jack.—2.

Those who voted for Site No. 3, are Messrs. President, Brown, Gaines, Jackson, McCamy, Meriwether, Powell, Shackelford, Skinner, of the Senate. Mr. Ambrister, Brown, Bradford, Brasher, Barclay, Coc, Davis of Jack. Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Harris, McClung, Moore of Mad. McVay of Laud. McVay of Law. Parham, Ross, Rancy, Williams, Whitfield,—32.

Those who voted for Site No. 4, are Messrs. Casey, Crabb, of the Senate, Mr. Speaker, Bell, Craig, Coopwood, Davis of Frank. Greening, Heard, Jones, Perkins, Smith of Laud. Sims, Terry, Walthall,—15.

Those who voted for Site No. 5, are Messrs. Abercrombie, Ash, Irwin, Jones, Miller, Sullivan, of the Senate, Mr. Benson, Bridges, Broadnax, Crenshaw, Dale, Dennis, Edwards, Johnson, Lewis, Mead, Massey, Neill, Pickens, Powell, Rhodes, Smith of H. Smith of M. Weisenger,—24.

No one site having received a majority of the votes given, Mr. Speaker declared that no

election had taken place, and the two Houses proceeded to vote a third time for a site for the State Capitol. And upon counting the votes given at the third voting, there appeared to be for site No. 1, 26 votes; No. 2, 1; No. 3, 34; No. 4, 35; No. 5, 5.

The member who voted for No. 2 is Mr. Moore of Jackson.

Those who voted for No. 3, are Messrs. President, Brown, Gaines, Jackson, McCamey, Meriwether, Powell, Shackelford, Skinner of the Senate, Mr. Acklen, Ambriester, Brown, Bradford, Brasher, Barclay, Coe, Davis of Jack. Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Harris, Lawler, McClung Moore of mad. McVay of Land. McVay of Law. Parham, Ross, Rainey, Williams, Whitfield.—34.

Those who voted for Site No. 4 are Messrs. Abercrombie Bagby, Casey, Crabb, Sullivan of the Senate, Mr. Speaker, Benson, Broadnax, Bell, Crenshaw, Craig, Coopwood, Davis of Frank. Dale, Dennis, Edwards, Greening, Heard, Johnson, Jones, Lewis, Mead, Massey, Neill, Perkins, Pickens, Powell, Rhodes, Smith of Land. Smith of Mad. Sims, Terry, Weissenger, Walthall.—35.

Those who voted for No. 5, are Messrs. Ashe, Irwin, Jones, Miller of the Senate, Mr. Bridges of the House.—5.

No one Site having received a Majority of the votes given, Mr. Speaker declared that no election had been made, and thereupon the two Houses proceeded to vote a fourth time for a site for the location of the State Capitol. And upon counting the votes, there appeared to be for Site No. 2, 1 vote; No. 3, 34; No. 4, 40.

The member who voted for Site No. 1, is Moore of Jackson.

Those who voted for Site No. 3, are Messrs. President, Brown, Gaines, Jackson, McCamey, Meriwether, Powell, Shackelford, Skinner of the Senate, Mr. Acklen, Ambriester, Brown, Bradford, Brasher, Barclay, Coe, Davis of Jack. Craig, Duke, Edmondson, Ellis, Exum, Fluker, Harris, Lawler, McClung Moore of mad. McVay of Land. McVay of Law. Parham, Ross, Rainey, Williams, Whitfield.—34.

Those who voted for Site number four are Messrs. Abercrombie, Ash, Bagby, Casey, Crabb, Irwin, Jones, Miller, Sullivan of the Senate, Mr. Speaker, Benson, Bridges, Broadnax, Bell, Crenshaw, Craig, Coopwood, Davis of Frank. Dale, Dennis, Edwards, Greening, Heard, Johnson, Jones, Lewis, Mead, Massey, Neill, Perkins, Pickens, Powell, Rhodes, Smith of Land. Smith of Land. Smith of Mad. Sims, Terry, Weissenger, Walthall.—40.

The Site numbered four, consisting of Lots No. 143, 144, 145, and 146, in the town of Tuscaloosa, known as Childress' Hill, as per the report of the joint committee having received a majority of the votes given, was declared by Mr. Speaker to be the Site selected, whereon to locate and build the Capitol of the State of Alabama.

The two Houses then proceeded to the election of a President of the Bank of the State of Alabama, for the ensuing year. Messrs. Gilbert Saltonstall, John L. Tindall, William L. Adams, Benjamin B. Fontaine & Thomas Owen, being in nomination. There appeared to be for Mr. Saltonstall 24 votes; Tindall 17; Adams 1; Fontaine 16. Owen, 15.

Those who voted for Mr. Saltonstall are Messrs. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackelford of the Senate, Mr. Brown, Craig, Dale, Dupuy, Exum, Greening, Harris, McClung, Moore of mad. Mead, Neill, Perkins, Ross, Smith of H. Smith of Land. Sims.—24.

Those who voted for Mr. Tindall are, Messrs. Crabb, McCamey, Miller of the Senate, Mr. Speaker, Acklin, Broadnax, Bell, Brasher, Barclay, Coe, Dennis, Duke, Edmondson, Heard, Moore of Jack. Parham, Powell.—17.

The member who voted for Mr. Adams, is Mr. Skinner.

Those who voted for Mr. Fontaine are Messrs. Ashe, Irwin, Powell, of the Senate, Mr. Bridges, Crenshaw, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Rainey, Smith of mad. Terry, Weissenger, Whitfield.—16.

Those who voted for Mr. Owen, are Messrs. Meriwether, Sullivan, of the Senate, Mr. Ambriester, Benson, Bradford, Coopwood, Davis of Frank. Davis of Jack. Ellis, McVay of Land. Massey, Rhodes, Williams, Walthall.—15.

No one of the candidates having received a majority of the votes given, Mr. Speaker, declared that no election was made, and the two Houses proceeded to vote again for President of the Bank.

The name of Mr. Adams being withdrawn, there were for Mr. Saltonstall 24 votes; Tindall 16; Fontaine 17; Owen 16.

Those who voted for Mr. Saltonstall are Messrs. President, Abercrombie Bagby, Brown, Casey, Jackson, Jones, Shackelford, of the Senate, Mr. Brown, Craig, Dale, Dupuy, Exum, Greening, Harris, McClung, Moore of mad. Mead, Neill, Perkins, Ross, Smith of H. Smith of Land. Sims.—24.

Those who voted for Mr. Tindall are Messrs. Crabb, McCamey, Miller, (Senate) Mr. Speaker, Acklen Broadnax, Bell, Barclay, Coe, Dennis, Duke, Edmondson, Heard, Moore of Jack. Parham, Powell.—16.

Those who voted for Mr. Owen are, Messrs. Meriwether, Skinner and Sullivan of the Se-

nate, Mr. Ambrister, Benson, Bradford, Brasher, Coopwood, Davis of Frank, Davis of Jack, Ellis, McVay of Laud, McVay of Law, Massey, Williams, Walthall—16.

Those who voted for Mr. Fontaine, are Messrs. Ashe, Irwin, Powell, (Senate,) Bridges, Crenshaw, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Rhodes, Rancy, Smith of Mad. Terry, Weissinger, Whitfield—17.

No one candidate having received a majority of the number of votes given, Mr. Speaker declared that no election was made, and the two Houses proceeded to vote a third time for a President of the Bank.

The same persons being in nomination—there were for Mr. Saltonstall 25 votes; Mr. Tindall 12; Mr. Owen 13; Mr. Fontaine 11.

Those who voted for Mr. Saltonstall, are Messrs. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackleford of the Senate, Mr. Brown, Craig, Dale, Dupuy, Edwards, Exum, Greening, Harris, McClung, Moore of Mad. Neill, Perkins, Ross, Smith of H. Smith of Laud, Sims—25.

Those who voted for Mr. Tindall, are Messrs. Cobb, Miller, of the Senate, Mr. Speaker, Acklen, Barclay, Bell, Barclay, Dennis, Edmondson, Heard, Moore of Jack, Parham, Powell—13.

Those who voted for Mr. Owen are Messrs. Merriwether, Skinner, Sullivan, of the Senate; Mr. Ambrister, Benson, Bradford, Brasher, Coopwood, Davis of Frank, Davis of Jack, Duke Ellis, McVay of Laud, McVay of Law, Massey, Smith of Mad. Williams, Walthall—12.

Those who voted for Mr. Fontaine are Messrs. Ashe, Irwin, Powell, of the Senate; Mr. Bridges, Crenshaw, Coe, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Rhodes, Rancy, Terry, Weissinger, Whitfield—17.

No one yet having received a majority of the votes given, Mr. Speaker declared no election was still made; and the two Houses proceeded to vote a fourth time for a President of the Bank. The same persons being in nomination there were for Mr. Saltonstall 27 votes; Mr. Tindall 5; Mr. Owen 20; Mr. Fontaine 21.

Those who voted for Mr. Saltonstall, are Mr. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackleford of the Senate; Mr. Speaker, Brown, Barclay, Craig, Dale, Dupuy, Edwards, Exum, Greening, Harris, McClung, Moore of Mad. Mead Neill, Perkins, Ross, Smith of H. Smith of Laud, Sims—27.

Those who voted for Mr. Tindall, are Messrs. Bell, Edmondson, Heard, Moore of Jack, Powell—5.

Those who voted for Mr. Owen are Messrs. Merriwether, Skinner, Sullivan of the Senate, Acklen, Ambrister, Benson, Bradford, Coopwood, Davis of Frank, Davis of Jack, Dennis, Duke, Ellis, McVay of Laud, McVay of Law, Massey, Parham, Smith of Mad. Williams, Walthall—20.

Those who voted for Mr. Fontaine, are Messrs. Ashe, Crabb, Irwin, Miller, Powell, of the Senate, Mr. Bridges, Broadnax, Brasher, Crenshaw, Coe, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Rhodes, Rancy, Terry, Weissinger, Whitfield—21.

No one candidate having yet received a majority, Mr. Speaker declared none to be elected, and the two Houses proceeded to vote a fifth time for a President of the Bank, the name of Mr. Tindall being withdrawn, there were for Mr. Saltonstall 27 votes; Mr. Owen 23; Mr. Fontaine 24.

Those who voted for Mr. Saltonstall, are Messrs. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackleford of the Senate; Mr. Speaker, Brown, Craig, Dale, Dupuy, Edwards, Exum, Greening, Heard, Harris, McClung, Moore of Mad. Mead, Neill, Perkins, Ross, Smith of H. Smith of Laud, Sims—27.

Those who voted for Mr. Owen are Messrs. McCamey, Meriwether, Skinner, Sullivan, Acklen, Ambrister, Benson, Bradford, Barclay, Coopwood, Davis of Frank, Davis of Jack, Dennis, Duke, Ellis, McVay, of Laud, McVay of Law, Moore of Jack, Massey, Parham, Smith of Mad. Williams, Walthall—23.

Those who voted for Mr. Fontaine, are Messrs. Ashe, Crabb, Irwin, Miller, Powell of the Senate, Mr. Bridges, Broadnax, Bell, Brasher, Crenshaw, Coe, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Powell, Rhodes, Rancy, Terry, Weissinger, Whitfield—24.

No candidate having yet received a majority of the votes given, Mr. Speaker declared that no election was yet made, and the two Houses then proceeded to vote a sixth time for a President of the Bank; upon counting the votes there were for Mr. Saltonstall 27 votes; Mr. Owen 23; Mr. Fontaine 24.

Those who voted for Mr. Saltonstall, are Messrs. President, Abercrombie, Bagby, Brown, Casey, Jackson, Jones, Shackelford of the Senate, Mr. Speaker, Brown, Craig, Dale, Dupuy, Edwards Exum, Greening, Heard, Harris, McClung, Moore of Mad. Mead, Neill, Perkins, Ross, Smith of H. Smith of Laud. Sims—27.

Those who voted for Mr. Owen, are Messrs. McCamey, Meriwether, Skinner, Sullivan of the Senate, Mr. Acklen, Ambrister, Benson, Bradford, Barclay, Coopwood, Davis of Frank. Davis of Jack. Dennis, Duke, Ellis, Moore of Jack. McVay of Laud. McVay of Law. Massey, Parham, Smith of Mad. Williams, Walthall—23.

Those who voted for Mr. Fontaine, are Messrs. Ashe, Crabb, Irwin, Miller, Powell of the Senate, Bridges, Broadnax, Bell, Brasher, Crenshaw, Coe, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, Pickens, Powell, Rhodes, Ramey, Terry, Weissenger, Whitfield—24.

No candidate having yet received a majority of the votes given, Mr. Speaker declared neither to be elected, and the two Houses then proceeded to vote a seventh time for a President of the Bank, when there were, for Mr. Saltonstall 26 votes; Owen 12; Fontaine 34.

Those who voted for Mr. Saltonstall are, messrs. President, Abercrombie, Brown, Casey, Jackson, Jones, Shackelford, of the sen. mr. Speaker, Brown, Craig, Dale, Dupuy, Edwards, Exum, Greening, Heard, Harris, m'Clung, moore of mad. mead, Neill, Perkins, Ross, Smith of Hen. Smith of La. Sims—26.

Those who voted for Mr. Owen are, messrs. Sullivan of the sen. Acklen, Ambrister, Bradford, Coopwood, Ellis, moore of Jack. m'Vay of Law. Parham, Smith of mad. Williams, Walthall—12.

Those who voted for Mr. Fontaine are, messrs. Ashe, Crabb, Irwin, m'camy, merriwether, miller, Powell, Skinner of the sen. mr. Benson, Bridges, Broadnax, Bell, Brasher, Barclay, Crenshaw, Coe, Davis of Fr. Davis of Jack. Dennis, Duke, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, m'Vay of Laud. massey, Pickens, Powell, Ramey, Terry, Weissenger, Whitfield—34.

No one candidate having yet received a majority of the whole number of votes, Mr. Speaker declared that no election had yet been made; and the two Houses then proceeded to vote an eighth time for a President of the Bank of the State of Alabama—The name of Mr. Owen having been withdrawn—Messrs. Saltonstall and Fontaine only being in nomination; there were for Mr. Saltonstall 27 votes, Mr. Fontaine 45.

Those who voted for Mr. Saltonstall are, mr. President, Abercrombie, Brown, Casey, Jackson, Jones, Shackelford, of the senate. mr. Speaker, Brown, Dale, Dupuy, Ellis, Edwards, Exum, Greening, Heard, Harris, m'Clung, moore of mad. mead, Neill, Perkins, Ross, Smith of Hen. Smith of Laud. Sims, Walthall—27.

Those who voted for Mr. Fontaine are, messrs. Ashe, Crabb, Irwin, m'camy, merriwether, miller, Powell, Skinner, Sullivan, of the sen. mr. Acklen, Ambrister, Benson, Bridges, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Fr. Davis of Ja. Dennis, Duke, Edmondson, Fluker, Johnson, Jones, Lawler, Lewis, moore of Jack. m'Vay of Laud. m'Vay of Law. massey, Pickens, Parham, Powell, Ramey, Smith of mad. Terry, Williams, Weissenger, Whitfield—45.

Benjamin B. Fontaine having received a majority of the whole number of votes given, was by Mr. Speaker declared to be duly elected President of the Bank of the State of Alabama for the ensuing year.

On motion of Mr. Crabb, the Senate withdrew, returned to their own chamber, and Mr. President resumed the chair.

Mr. Shackelford moved that the Senate adjourn till to-morrow morning at 10 o'clock; which was carried—Yeas 8, nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Brown, Casey, Crabb, Gaines, Merriwether, Shackelford and Sullivan. Those who voted in the negative are, messrs. Ashe, Jackson, Irwin, Jones, McCamy, Miller and Powell.

The Senate accordingly adj'd till to-morrow morning at 10 o'clock.

Thursday, January 11, 1827.

The senate met pursuant to adjournment. Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled: an act appointing a mode in which the site for the state capitol shall be selected: an act for the relief of the legal representatives of Daniel Duval: an act to amend an act to establish the bank of the state of Alabama, approved Dec. 20, 1823: an act making appropriations for the year 1827: an act to incorporate the Pikeville library company: an act to establish a ferry and appoint commissioners to lay out a road therein named: an act to divorce Mary Ducksworth from her husband, George Ducksworth: an act for the relief of the securities of John Archer, dec'd: an act for the relief of Charles A. Henry: an act to authorize the raising by lottery a sum of money for purposes therein specified: an act to emancipate certain slaves therein named: an act better to provide for leasing the 16th section therein named: an act for the relief of Theophilus L. Toulmin, tax collector for the county of Mobile, for the year 1822: an act to incorporate the town of Russellville, in the state of Alabama: an act to authorize Edward Sims and his associates to turnpike a road therein named.

Resolution authorizing the governor to offer the university lands in Shelby and Bibb counties for sale, on the third Monday in February next: an act for the relief of John McGrew: an act relative to certain officers in Fayette county.

Report and resolutions in relation to the system for the disposal of the public lands, and to the unsettled land claims in this state: and an act making it the duty of the comptroller of public accounts to lay before the two houses of the general assembly annually, in the first week of its session, a fair expose of the disbursements made from the contingent fund—all of which were accordingly signed by Mr. President.

A bill from the House of Representatives entitled, an act concerning military courts martial, was read the first time, and ordered to lie on the table till the first day of June next: a bill to be entitled, an act to legitimate Thomas Maxwell, jr. was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was read the second and third time, and laid on the table: a bill to be entitled, an act concerning the town of Tuscumbia, was read the second time and amended: and the rule requiring bills to be read on three several days being suspended, the bill was read the third time as amended and passed.

Ordered, That it be returned to the house of Representatives.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled, an act for the relief of James W. Armstrong: an act to authorize the Mobile school commissioners to raise a sum of money by lottery: an act to repeal in part an act passed at St. Stephens, Feb. 10th, 1818, incorporating the St. Stephens steam boat company: an act to extend the civil and criminal jurisdiction of this state over so much of the creek nation, as was ceded under the treaty of the Indian springs of 1825, within the chartered limits of the state of Alabama: an act to divorce Coleman Allen from his wife Rebecca Allen: an act to amend in part an act entitled an act for the relief of William McDaniel, passed 3d January, 1825: an act to incorporate the Alabama and Tennessee canal company: an act reducing the price of the Digest of the laws of Alabama: and an act to compensate Reuben Chapman for certain services therein mentioned—all of which were accordingly signed by Mr. President.

A bill to be entitled, an act to alter the times of holding courts in the 5th judicial circuit, and for other purposes, was referred to a select committee, consisting of messrs. McTamy, Jackson and Crabb, to consider and report thereon.

Mr. Shackelford offered the following resolution: Resolved, by the Senate, that with the concurrence of the House of Representatives, the two houses will be ready to adjourn sine die on Saturday next, the 13th inst; which was adopted. Ordered, That the secretary acquaint the House of Representatives therewith.

Engrossed resolution, authorizing the money of the university now in the treasury to be vested in state stock, was read the third time, amended and passed. Ordered, that it be reported to the house of representatives for concurrence.

Engrossed bill to be entitled, an act for the relief of Daniel Ayrea, was read the third time and passed. Ordered, That the title of the bill be as aforesaid, and that it be reported to the house of representatives for concurrence.

A bill to be entitled, an act to repeal in part and amend an act entitled an act to amend the charter of the bank of the state of Alabama, was read the second time and laid on the table: a bill to be entitled, an act for the relief of Daniel Coleman, of Washington, was read the third time, and ordered to lie on the table: a bill to be entitled, an act to authorize the school commissioners of the 17th township of range 13, to leave the 16th section in said township, was read the third time and laid on the table: a bill to be entitled, an act more effectually to protect sheriffs, coronors and constables in the discharge of their duties.

An act further to relieve insolvent debtors, and better to secure the rights of creditors: and an act to vest in the county court of Covington county, the powers heretofore exercised by the commissioners of said county, and for other purposes, were severally read the third time and passed. Ordered, That they be returned to the house of representatives.

Resolutions instructing our senators, and requesting our representatives in the Congress of the United States, to use their endeavors to procure the passage of a law establishing a land office at Bellefonte in Jackson county, were read the 3d time and rejected.

A message from the house of representatives by mr. Tunstall, their clerk:

Mr. President—The house of representatives have adopted the following resolution, in which they desire your concurrence: Resolved, That this House, with the concurrence of the Senate, will on Saturday next, at the hour of 12 o'clock, adjourn sine die. They have passed a joint resolution, authorizing Charles Lewen, quarter master general, to procure a house in which to preserve the public arms of this state until they be distributed—also a bill entitled act to amend an act entitled an act for the more effectual preservation of personal liberty—both of which originated in their house, and in which they desire your concurrence. They concur in the amendment made by the senate to the memorial to the Congress of the United States, asking permission for the trustees of the university of Alabama, to select other lands in lieu of those herein described; they have adopted the following resolution, in which they desire your concurrence: Resolved, That this House, with the concurrence of the senate, will, at the hour of 3 o'clock this evening, go into the election of 12 directors of the bank of the state of Alabama.

Mr. Jackson moved to amend the resolution from the house of representatives, proposing to adjourn sine die on Saturday next, by striking out the words at 12 o'clock, which was carried.

The resolution as amended, was then concurred in—Ordered, That the house be informed thereof. Mr. Jackson also moved to amend the resolution from the house of representatives, proposing to elect twelve directors of the bank of the state of Alabama, this evening at 3 o'clock, by striking out the word 'three' and inserting half past 6 o'clock, which was carried. The resolution as amended was then agreed to. Ordered, That the secretary inform the house of representatives thereof.

A bill from the house of representatives, entitled, an act to amend an act entitled an act for the more effectual preservation of personal liberty was read, and the rule requiring bills to be read on 3 several days being dispensed with, it was read the 2d and 3d time and passed. Ordered, That it be returned to the house of representatives.

A resolution authorizing Charles Lewen, quarter master general, to procure a house in which to preserve the public arms of this state until they be distributed, was read, and ordered to a 2d reading to-morrow.

A bill to be entitled an act concerning the 16th section herein mentioned, was taken up, and amended, and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed.

A bill to be entitled an act to reduce into one the several acts giving fees to justices of the peace and constables, was read the second time, and referred to a select committee, consisting of messrs. McCamy, Sullivan and Jackson, to consider and report thereon.

Bills of the following titles, to wit: an act to revive a certain act therein named; an act organizing the 12th regiment of militia in St. Clair county; an act to pay officers for taking prisoners from one county to another in this state; an act for the relief of Grantland & Robinson; an act amendatory to an act, entitled an act to class and fix the price of the university lands, passed Jan. 13, 1826; an act to authorize Edward Calvert to sell and convey a certain land certificate; an act to authorize a levy of a county tax for the county of Covington; and, an act to authorize the administrator and administratrix of George Hardwick to sell a certificate for a quarter section of land, were severally read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bills were severally read the third time and passed. Ordered, that they be returned to the House of Representatives.

A bill to be entitled an act to authorize Joseph Burleson and his associates to turnpike a road therein specified, was read the second time, and ordered to lie on the table till the first day of June next.

A bill to be entitled an act to authorize Martha Brandon, administratrix of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa, was read the second time, and ordered to a third reading to-morrow.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives concur in the amendment made by the Senate to a resolution proposing to adjourn sine die on Saturday next. They also concur in the amendment made by the Senate to the resolution proposing to go into the election of the Bank Directors this day, by striking out ‘3,’ and inserting ‘half past 6 o’cl’k.’

A bill to be entitled an act to prohibit the importation of slaves into this state for sale or hire, was read the second time, and amended on Mr. Jackson’s motion. The rule requiring bills to be read on three several days being dispensed with, the bill was read the third time and passed—Yeas 11, nays 6.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Ashe, Brown, Casey, Crabb, Gaines, Jackson, McCamy, Merriwether, Miller, Powell and Skinner. Those who voted in the negative are, Mr. President, Abercrombie, Irwin, Jones, Shackelford and Sullivan.

Ordered, that the bill be reported to the House of Representatives.

And then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have passed bills which originated in their House, entitled an act making appropriations for certain claims against the state; an act to increase the capital stock of the Bank of the State of Alabama; also, a joint resolution approving the amendment made by the state of Tennessee to the constitution of the United States. They have passed bills which originated in the Senate, entitled an act to emancipate certain slaves therein named; an act to establish a road from Elyton to Montevallo, and have amended the same in the manner herewith shewn; and an act to incorporate the muscle shoals canal company, and have also amended the bill as herewith shewn: in which amendments they desire your concurrence.

Ordered, that the Senate concur in the several amendments made by the House of Representatives to the bill entitled an act to incorporate the muscle shoals canal company. *Ordered*, that the secretary acquaint the House of Representatives therewith.

Mr. Brown moved that the Senate disagree to the amendments made by the House of Representatives to the bill entitled an act to establish a road from Elyton to Montevallo, by reducing the tolls provided for in said bill; which was carried. *Ordered*, that the House be informed thereof.

A joint resolution approving the amendment made by the state of Tennessee to the constitution of the United States, was read the first time.

A message from the Governor by Mr. Thornton.

Mr. President—The Governor did on the 10th inst. approve and sign the following bills: an act to incorporate the Cahawba navigation company; an act for the relief of the legal representatives of Daniel Duval; an act explanatory of an act entitled an act to provide for the election of justices of the peace and constables, passed Dec. 31st, 1822: and on this day, an act to prevent the Creek Indians from hunting and trapping within the settled limits of this state; and, resolutions appointing commissioners to report on the claims of the first purchasers of lots in Cahawba in 1819 to the next General Assembly, and for other purposes—all of which originated in the Senate.

A bill to be entitled an act making appropriations for certain claims against the state, was read the first and second time, and amended.—Mr. Sullivan offered the following amendment to the bill: "Sec. —. And be it further enacted, that the sum of — dollars be and is hereby appropriated for the payment of Wm. B. Allen for the amount expended in printing for the state the last year, over and above his salary; and that the further sum of — be allowed him for his expenses in securing and taking charge of the state house at Cahawba by request of the Treasurer from June last." A division of the question on the adoption of the amendment being called for, it was taken on agreeing to that part of it which proposes an appropriation to William B. Allen for amount expended in printing for the state the last year, over and above his salary, and determined in the negative—Yeas 7, nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Brown, Casey, Gaines, Irwin, McCamy, Miller and Sulli-

van. Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Crabb, Jackson, Jones, Merriwether, Powell and Skinner.

That part of the amendment providing compensation for taking charge of the state house, was agreed to, and the bill referred to the committee on accounts and claims to consider and report thereon.

Mr McCamy, from the select committee to which was referred a bill to be entitled an act to reduce into one the several acts giving fees to justices of the peace and constables, reported, that it is inexpedient to pass the bill; which was concurred in.

Mr. Sullivan offered the following resolution: *Resolved*, that the committee on propositions and grievances be instructed to inquire into and report to this House what additional compensation the state printer for the last year ought to have for extra printing, from the evidence that may be adduced before them; which was adopted—yeas 10, nays 6.

The yeas and nays being desired on the adoption of the resolution, those who voted in the affirmative are, Messrs. Brown, Casey, Crabb, Gaines, Irwin, McCamy, Miller, Powell, Skinner and Sullivan.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Jackson, Jones and Merriwether.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have passed resolutions which originated in the Senate, protesting against the exercise of implied, constructive and unconstitutional powers on the part of the federal government, and asserting the rights secured to the states respectively by the constitution of the United States.

And then the Senate adjourned till half past 6 o'clock this evening.

Half past six o'clock P. M.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives by Mr. Tunstall, inviting the Senate to assemble in the Representative Hall for the purpose of electing twelve Directors of the Bank of the State of Alabama for the current year.

Whereupon the members of the Senate repaired to the House of Representatives, and having taken their seats, Mr. President arose and announced the object of the meeting; when the two Houses proceeded to elect twelve Directors of the Bank of the State for the present year—William G. Parish, Hiram Shortridge, John L. Tindal, James H. Dearing, Henry A. Snow, James Hogan, William R. Colgin, Archer P. Baldwin, Thomas Owen, Sion L. Perry, Willis Banks, John H. Sommerville, Henry Minor, George Starr, John B. Hogan, William P. Gould, Audley H. Gazzam, Nathan Bolles, Constantine Perkins, John Jones, Henry W. Collier, and Edward Sims, being in nomination:—For Mr. James Hogan 68 votes, Mr. Tindal 67, Mr. Owen 59, Mr. Snow 57, Mr. Dearing 52, Mr. Gazzam 51, Mr. Sommerville 49, Mr. Perry 48, Mr. Perkins 46, Mr. J. B. Hogan 43, Mr. Colgin 42, Mr. Parish 39, Mr. Banks 37, Mr. Collier 34, Mr. Minor 33, Mr. Shortridge 30, Mr. Starr 28, Mr. Baldwin 25, Mr. Gould 20, Mr. Bolles 5, Mr. Jones 4, Mr. Sims 3.

Those who voted for Mr. James Hogan are—Mr. President, Abercrombie, Ashe, Brown, Casey, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Miller, Merriwether, Shackelford, Skinner, Sullivan of the Se. Acklen, Ambrister, Benson, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Frank, Davis of Jack, Dale, Dennis, Dupuy, Duke, Edmondson, Ellis, Edwards, Exum, Fluker, Greening, Heard, Harms, Johnson, Jones, Lawler, Lewis, McClung, Moore of mad. Moore of Jack, McVay of Law, Mead, Massey, Perkins, Pickens, Parham, Powell, Ross, Raney, Roberts, Smith of Paul, Smith of mad. Sims, Terry, Williams, Weissenger, Walthall, Whitfield—68.

Those who voted for Mr. Tindal are—Mr. President, Abercrombie, Ashe, Brown, Casey

Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Brown, Broadnax Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe, Coopwood, Davis of Frank. Davis of Jack. Dennis, Dupuy, Duke, Edmondson, Ellis, Exum, Fluker, Greening, Heard Harris, Johnson, Jones, Lawler, Lewis, McClung, Moore of mad. Moore of Ja. McVay of Laud. McVay of Law. Mead, Massey, Perkins, Pickens, Parham, Powell, Raney, Roberts Smith of Lau. Smith of mad. Sims Terry Williams Weissenger Walthall Whitfield—67.

Those who voted for Mr. Owen are—Mr. President, Ashe, Brown, Casey, Crabb, Gaines Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Brown, Bradford, Brasher, Barclay Crenshaw, Craig, Coe, Coopwood, Davis of Fr. Davis of Jack. Dale, Dennis, Dupuy, Duke Edmondson, Ellis, Edwards, Fluker, Greening, Harris, Johnson, Jones, Lawler, McClung Moore of mad. Moore of Jack. McVay of Laud. McVay of Law. Massey, Pickens, Parham, Raney, Smith of La. Smith of mad. Sims, Terry, Williams, Weissenger, Walthall Whitfield.—59.

Those who voted for Mr. Snow are—Mr. President, Abercrombie, Ashe, Brown, Crabb Gaines Jackson, Jones, McCamy, Merriwether, Miller, Skinner, Sullivan of the Senate. Ambrister, Benson, Brown, Broadnax, Bell, Brasher, Barclay, Crenshaw, Craig, Coe Coopwood, Davis of Frank. Davis of Jack. Dennis, Dupuy, Duke, Edmondson, Ellis, Edwards, Fluker, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, Moore of mad. McVay of Laud. McVay of Law. Perkins, Pickens, Powell, Ross, Raney, Roberts, Smith of Laud. Smith of mad. Sims, Terry, Williams, Weissenger, Walthall, Whitfield—57.

Those who voted for Mr. Dearing are—Mr. President, Ashe, Casey, Crabb Gaines Irwin, Jackson, Jones, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Ambrister, Brown, Bradford, Barclay, Crenshaw Craig, Coe, Coopwood, Davis of Frank. Davis of Jack. Dupuy, Duke, Edmondson, Ellis Edwards, Exum, Fluker, Heard, Harris, Johnson, Jones, Lawler, McClung, Moore of mad. Moore of Jack. McVay of Law. Massey, Pickens, Ross, Raney, Roberts, Smith of mad. Williams, Weissinger, Walthall, Whitfield.—52.

Those who voted for Mr. Gazzam are—Mr. President, Abercrombie, Ashe, Brown, Casey Crabb, Jackson, Irwin, McCamy, Merriwether, Miller, Skinner, Sullivan of the Senate. Acklen Benson, Brown, Broadnax, Bell, Bradford, Brasher, Barclay, Crenshaw, Craig, Coe Coopwood, Davis of Jack. Dale, Dennis, Dupuy, Duke, Edmondson, Exum, Heard, Harris Johnson, Lawler, Moore of Jack. McVay of Laud. McVay of Law. Mead, Massey, Perkins, Pickens, Parham, Powell, Ross, Roberts, Smith of Lau. Smith of mad. Terry, Weissenger—51.

Those who voted for Mr. Sommerville are—Mr. President, Abercrombie, Ashe, Brown Casey, Crabb, Gaines, Jackson, Irwin, Jones, McCamy, Merriwether, Miller, Shackelford Skinner, Sullivan of the Senate. Mr. Speaker, Acklen, Bell, Bradford, Craig, Coe, Davis of Fr. Dale, Dennis, Dupuy, Edmondson, Exum, Fluker, Heard, Harris, Lawler, Lewis McClung, Moore of mad. Moore of Jack. McVay of Laud. McVay of Law. Mead, Massey Perkins, Parham, Powell, Ross, Raney, Roberts, Smith of Laud. Walthall, Whitfield—49.

Those who voted for Mr. Perry are—Mr. Abercrombie, Ashe, Brown, Casey, Irwin McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker Acklen, Ambrister, Benson, Broadnax, Bell, Brasher, Bradford, Barclay, Crenshaw, Davis of Jack. Dale, Dennis, Duke, Ellis, Greening, Heard, Harris, Johnson, Jones, Lawler, Lewis, McClung, Moore of Jack. Mead, Massey, Perkins, Powell, Ross, Roberts, Smith of mad. Sims Terry, Williams, Weissenger, Walthall, Whitfield—48.

Those who voted for Mr. Perkins are—Mr. President, Ashe, Casey, Gaines, Jackson Jones, McCamy, Merriwether, Shackelford, Skinner, Sullivan of the Senate. Mr. Speaker Benson, Brown, Broadnax, Brasher, Crenshaw, Craig, Coe, Davis of Fr. Davis of Jack. Dale, Dennis, Ellis, Exum, Fluker, Greening, Johnson, Jones, Lawler, Lewis, McClung Moore of Jack. McVay of Laud. McVay of Law. Mead, Massey, Pickens, Parham, Raney Smith of Lau. Sims, Terry, Williams, Weissenger, Walthall—46.

Those who voted for Mr. John B. Hogan are—Mr. President, Abercrombie, Brown, Casey, Crabb, Gaines, Jackson, Irwin, Skinner of the Senate. Mr. Speaker, Acklen, Benson, Broadnax, Bell, Bradford, Craig, Coe, Coopwood, Davis of Fr. Dale, Dennis, Edmondson, Edwards, Exum, Greening, Heard, Harris, Johnson, Jones, Lewis, McClung Moore of mad. Mead, Massey Perkins Pickens Parham Powell Ross Roberts Smith of Lau. Terry Whitfield—43.

Those who voted for Mr. Colgin are—Mr. President, Abercrombie, Casey, Gaines, Jackson Irwin, McCamy, Merriwether, Miller, Shackelford, Skinner, Sullivan of the Senate. Mr. Acklen, Ambrister, Brown, Broadnax, Bell, Brasher, Barclay, Coe, Coopwood, Davis of Fr. Davis of Jack. Dale, Edmondson, Exum, Fluker, Harris, Lewis, McClung, Moore of Mad. Moore of Jack. McVay of Laud. Powell, Ross, Raney, Roberts, Sims. Terry. Williams Walthall Whitfield—42.

Those who voted for Mr. Parrish are—Mr. Ashe, Casey Crabb, Jones, McCamy Merriwether Miller Sullivan of the Senate. Mr. Ambrister, Benson, Brown, Broadnax Bell Bradford, Brasher Barclay Crenshaw, Coopwood Davis of Fr. Davis of Jack. Dale, Duke, Ellis

Exum, Flucker, Greening, Johnson, Jones, Moore of Mad. Moore of Jack. McVay of Law. Perkins Smith of La. Smith of mad. Terry Williams Weissenger Walthall Whitfield—39.

Those who voted for Mr. Banks are—Mr. President, Ashe, Gaines, Jackson, Jones, McCamy, Merriwether, Miller, Skinner, Sullivan of the Senate. Mr. Speaker, Ambrister, Broadnax, Bradford, Crenshaw, Coopwood, Davis of Frank. Davis of Jack. Dupuy, Duke, Ellis, Flucker, Greening, Harris, Lawler, Lewis, McVay of Law. Pickens, Parham, Powell, Raney, Smith of Mad. Sims, Terry, Williams, Weissenger, Whitfield—37.

Those who voted for mr. Collier are—mr. Crabb, Jones, Miller, Shackelford, Skinner, of the Senate. mr. Speaker, Acklen, Ambrister, Benson, Brown, Bradford, Brasher, Coopwood, Davis of Jack. Dennis, Duke, Ellis, Edwards, Flucker, Greening; Heard, Lewis, Moore of Mad. McVay of Laud. McVay of Law. Mead, Pickens, Parham, Powell, Raney, Smith of mad. Williams, Weissenger, Whitfield—34.

Those who voted for Mr. Minor are—mr. President, Abercrombie, Gaines, Jackson, Irwin, of the Senate. Mr. Speaker, Broadnax, Barclay, Crenshaw, Coe, Dale, Edmondson, Edwards, Exum, Flucker, Harris, Lawler, Lewis, McClung, Moore of Mad. McVay of Laud. Mead, Massey, Perkins, Pickens, Parham, Powell, Ross, Raney, Roberts, Smith of Laud. Sims, Walthall—33.

Those who voted for Mr. Shortridge are—Mr. Jones of the Senate. Mr. Speaker, Acklen, Ambrister, Benson, Bradford, Brasher, Barclay, Crenshaw, Craig, Coopwood, Davis of Frank. Dennis, Dupuy, Duke, Ellis, Edwards, Greening, Jones, Moore of Jack. McVay of Laud. McVay of Law. Mead, Parham, Raney, Smith of Mad. Sims, Terry, Williams, Weissenger—30.

Those who voted for mr. Starr are—Mr. Abercrombie, Brown, Crabb, Irwin, Shackelford of the Sen. Mr. Brown, Broadnax, Bell, Craig, Coe, Dale, Dennis, Dupuy, Edmondson, Edwards, Exum, Greening, Heard, Johnson, Jones, Lawler, McVay of Laud. Mead, Perkins, Roberts, Smith of Land. Sims, Walthall—28.

Those who voted for mr. Baldwin are—mr. Ashe, Brown, Crabb, of the Senate. mr. Speaker, Acklen, Ambrister, Benson, Brown, Bell, Barclay. Dupuy, Duke, Ellis, Edwards, Heard, McClung, Moore of Jack. Massey, Perkins, Parham, Powell, Ross, Roberts, Smith of Mad. Sims—25.

Those who voted for Mr. Gould are—mr. Abercrombie, Brown, Casey, Irwin, Shackelford of the Senate. mr. Bell, Craig, Dale, Edmondson, Edwards, Exum, Heard, Johnson, Jones, Lawler, moore of m. mead, Perkins, Ross, Smith of L.—20

Those who voted for mr. Bolles are—mr. Gaines of the Senate. mr. Brasher, Edwards, Perkins, Ross—5.

Those who voted for mr. Jones are—mr. Abercrombie, Brown, of the Senate. mr. Dupuy, McVay of Laud.—4.

Those who voted for mr. Sims are—mr. Jones, of the Senate. mr. McClung, Massey—3.

Messrs. James Hogan, John L. Tindal, Thomas Owen, Henry A. Snow, James H. Dearing, Audley H. Gazzam, John H. Sommerville, Sion L. Perry, Constantine Perkins, John B. Hogan, William R. Colgin and William G. Parrish, having received a majority of the whole number of votes given, were declared by Mr. Speaker to be duly elected Directors of the Bank of the State of Alabama for the present year.

The election being completed, the Senate withdrew to their own chamber, and Mr. President resumed the chair

When, on motion, the Senate adj. till to-morrow morning at 10 o'clock.

Friday, 12th Jan. 1827.

The senate met pursuant to adjournment. Mr. Crabb presented the account of Thomas Davenport; which was referred to the committee on accounts and claims. Mr. Crabb, from the select committee to which was referred a bill to be entitled, an act to alter the time of holding courts in the 5th judicial circuit, and for other purposes, reported that it is inexpedient to pass the bill at the present session; which was concurred in.

Mr. Jackson, from the select committee, to which was referred a bill to be entitled, an act to regulate appointments by judges of the county courts, and for other purposes. reported that it is inexpedient to legislate on the subject embraced by the bill at the present session, which was concurred in.

Mr. Brown, from the committee on accounts and claims, to which was referred the accounts of Richard Cone & Co John Duncan, jr and Henry Center, against the Lafayette committee, reported that, that the accounts are unreasonable, and ought not to be allowed; which was concurred in.

Mr. Brown, from the same committee, to which was referred the accounts of Pleasant Wright, jailor of Greene county, and Wm. Murrah, jailor of Franklin county, reported that the accounts are not made out, or attested, as required by law, and that they ought not to be allowed; which was concurred in.

Mr. Brown, from the same committee to which was referred the account of the solicitor of the 5th judicial circuit for prosecuting certain slaves to conviction, and the account of John Randall, sexton of Mobile, reported that there is no law authorizing the payment of such accounts, to be made out of the state treasury; and that they therefore should not be allowed—which was concurred in.

A message from the House of Representatives by Mr. Foustall: Mr. President—The house of representatives insist on their amendment to the bill entitled, an act to establish a road from Elyton to Montevallo, by reducing the tolls.

They concur in the amendments made by your honorable body to the bill entitled, an act to prohibit the importation of slaves into the State for sale or hire.

Ordered, that the Senate recede from their disagreement to the amendments made by the House of Representatives to the bill entitled an act to establish a road from Elyton to Montevallo.

Ordered, that the Secretary inform the House of Representatives thereof.

Ordered, that the bill entitled an act to increase the capital stock of the bank of the state of Alabama lie on the table.

Mr. Jackson, from the committee on the judiciary, to which was referred a bill to be entitled an act more effectually to enable the president and directors of the bank of the state of Alabama to judge of the solvency of applicants for discounts at said bank, reported the same as amended; which was concurred in. The bill was then read a third time and passed. Ordered that the title be as aforesaid, and that it be reported to the House of Representatives for concurrence.

A joint resolution approving the amendment proposed by the state of Tennessee to the constitution of the United States, was read the second time.

Mr. Jackson, from the committee on schools and colleges, and school and college lands, to which was referred the report of the trustees of the university and documents relating thereto, asked to be discharged from the further consideration thereof the same having been acted on by bill which originated in the House of Representatives; which was agreed to.

A bill to be entitled an act to raise a revenue until otherwise altered by law was read the second time; on motion, the Senate resolved itself into a committee of the whole on said bill, Mr. Shackelford in the chair, and after some time spent in the consideration thereof, the committee rose, Mr. President resumed the chair, and Mr. Shackelford reported the bill with sundry amendments, which were concurred in. Mr. Crabb moved further to amend the bill by striking out "50 cents" the tax on silver and other watches, and insert in lieu thereof "25 cents"; which was carried. Mr. Abercrombie moved to strike out "65 cents" the tax on slaves over ten and under seventy years of age and insert in lieu thereof "50 cents." A division of the question being called for, it was taken on striking out alone, and determined in the affirmative.—Yeas 9, Nays 7.

The Yeas and Nays being desired those who voted in the affirmative, are Mr. President, Abercrombie, Ashe, Casey, Jackson, Irwin Jones, Miller and Skinner.

Those who voted in the negative are,

Mr. Brown, Crabb, Gaines, McCamey, Powell, Shackelford, Sullivan.

Mr. Jackson moved to fill the blank created by striking out '65 cents,' with '60 cents,' as the tax on slaves over ten and under seventy, which was lost.

Mr. Jackson then moved to fill the blank with 'fifty-nine cents,' which was lost. Yeas 7—Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Crabb, Gaines, Jackson, McCamey, Powell, Shackelford and Sullivan—7.

Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Brown, Casey, Irwin, Jones, Miller, and Skinner—9.

Mr. Shackelford moved to fill the blank with '56 1/4 cents,' as the tax on each slave over ten and under seventy years of age; which was carried.

Mr. Abercrombie moved further to amend the bill by striking out '20 cents,' the tax on each slave under ten years of age, and insert in lieu thereof '15 cents;' which was carried.

Mr. Sullivan moved to strike out that part of the bill which requires the clerks of the county courts to pay the taxes on tavern licenses, &c. to the tax collectors, to be paid into the state treasury, with a view to provide that the same shall be paid into the county treasuries; which was lost. Yeas 8—Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Ashe, Brown, Crabb, Jones, McCamey, Shackelford and Sullivan—8.

Those who voted in the negative are—messrs. Abercrombie, Casey, Gaines, Jackson, Irwin, Merriwether, Miller, Powell and Skinner.

Mr. Miller moved to amend the bill by striking out 'one dollar,' the tax on clocks, the words of which are, 'made of metal,' and by inserting in lieu thereof '50 cents;' which was lost.

Mr. Shackelford moved to strike out 'one dollar,' the tax on every hundred dollars value of pleasure carriages, and insert in lieu thereof '50 cents,' which was carried.

Mr. Jackson moved to amend the bill, by striking out 'twelve months,' the time within which a person whose real estate is sold for taxes, may redeem the same; and by inserting in lieu thereof 'two years;' which was carried.

The rule requiring bills to be read on three several days being dispensed with, the bill was read the third time as amended, and passed. *Ordered*, That the Secretary acquaint the house of representatives therewith.

Mr. Powell presented the account of Edward Sims, William G. Parish, and John L. Tindall, which was referred to the committee on accounts and claims.

A message from the House of Representatives by Mr. Tunstall: Mr. President—The house of representatives have passed a resolution, authorizing the money of the university now in the treasury, to be vested in state stock, which originated in the senate, and have amended the same as herewith shewn; in which they desire your concurrence. *Ordered*, That the senate concur in said amendments, and that the secretary notify the house thereof.

A message from the House of Representatives by Mr. Tunstall: Mr. President—The house of representatives have passed a resolution, instructing our Senators and Representatives in Congress on the subject of authorizing the sale of sections No. 16, reserved for the use of schools in this state, and have amended the same as herewith reported. *Ordered*, That the Senate concur in the amendment to said resolution.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled, an act to pay officers for taking prisoners from one county to another in this state: an act to amend an act entitled an act for the more effectual preservation of personal liberty: an act to revive a certain act herein named: a memorial to the Congress of the United States, asking permission for the trustees of the University of Alabama to select other lands in lieu of those herein described.

an act to exempt the members of the hook and ladder company in the city of Mobile from militia and patrol duty, and for other purposes: an act amendatory to an act passed on the 14th January, 1826, entitled an act to authorize William H. Ragsdale and his associates to turnpike a road therein specified: an act to require additional services to be performed by the judge of the first judicial circuit in this state: an act to repeal in part an act entitled an act to appoint commissioners to lay out two roads leading from the ford on line creek, the one to Coffeeville, the other to Tuscaloosa, passed Dec'r. 31, 1822: an act to repeal an act incorporating the town of Rollins in Washington county: an act to reduce into one the several acts concerning roads, bridges, ferries, and highways: an act to establish the permanent seat of justice in Walker county: an act to incorporate the mobile marine railway and insurance company.

Resolutions, instructing our senators, and requesting our representatives in congress to use their endeavors to procure an equal extension of the national judiciary system to the western and south western states of the union: an act authorizing the adm'r of Samuel Greenlee to transfer the certificates to the lands hereinafter mentioned: an act to authorize the Intendant and Town Council of Montgomery to hold their meetings in the court house of Montgomery county: an act supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates, the privilege of opening a turnpike road, commencing at or near John Gandy's in Morgan county, to intersect the old Huntsville road at or near Elyton in Jefferson county: an act to define the boundary line between Shelby and Autauga counties: an act to authorize Abraham Smith and his associates, to erect a mill on Coosa river: an act to make compensation to the commissioners to close the unsettled accounts between this state and Mississippi, and for other purposes: an act to alter the time of holding the county courts in the counties of Tuscaloosa, Lawrence and Limestone: an act to incorporate the Rocky-mount academy in Autauga county: Resolution to remove the injunction of secrecy imposed on the joint committee appointed to examine the state bank: an act amendatory to an act entitled an act to class and fix the price of the University lands: an act to organize the 12th regiment of militia in St. Clair county: an act for the relief of Grantland & Robinson: an act to authorize the judge of the county court and commissioners of roads and revenue of the county of Shelby to alter a certain road therein named: an act providing for the compensation of B. B. Breedin: an act amendatory of the laws now in force on the subject of bail in civil cases: an act to incorporate the town of Pikeville: an act to establish a road from Montevallo to Greensborough: an act to authorize Edward Calvert to sell and convey a certain land certificate: an act to authorize a levy of a county tax for the county of Covington: and, an act supplementary to the several acts now in force, 1st passed 31st Dec'r 1822, and the 2d, 21th Dec'r 1824, all of which were accordingly signed by Mr. President.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives concur in the amendments made by the Senate to bills entitled an act to amend an act concerning the town of Tuscumbia; an act concerning the sixteenth section herein mentioned; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county, and for other purposes. They have adopted the following resolution, in which they desire your concurrence: Resolved, that a committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two houses of the General Assembly will be ready to adjourn *sine die* if he has no further communications to make. They have read three times and passed, resolutions relative to the militia laws of this state; which originated in the Senate.

Ordered, that the Senate concur in the resolution from the House of Representatives appointing a committee on their part to act with such committee as may be appointed on the part of the Senate, to wait on the Governor, and inform him that the two houses of the General Assembly will be ready to adjourn *sine die* to-morrow, if he has no further communications to make: whereupon Messrs. Sullivan, Gaines and Jackson were appointed the committee on the part of the Senate.

Mr. Shackelford called up the bill to be entitled an act to authorize the school commissioners of the 17th township of range 13, to lease the 16th section in said township, and offered an amendment to the same by way of rider, which was read three several times, and adopted. The bill was then passed. *Ordered*, that it be returned to the House of Representatives.

Mr. Brown called up the bill entitled an act to authorize John Smith of Jefferson county to emancipate a slave therein named. *Ordered*, that it be referred to a select committee, consisting of Messrs. Brown, Miller and Ashe, to consider and report thereon.

The memorial to the Congress of the United States on the subject of a donation to the La Fayette academy in the village of La Grange, was read the third time and passed—Yeas 9, nays 8.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Casey, Crabb, Irwin, M'Camy, Merriwether, Powell, Shackelford, Skinner and Sullivan. Those who voted in the negative are, Mr. President, Abercrombie, Ashe, Brown, Gaines, Jackson, Jones & Miller.

Ordered, that the memorial be returned to the House of Reps.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have passed a bill which originated in their House, entitled an act to secure additional lots for the erection of the state capitol, and provide compensation for the site thereof: in which they desire your concurrence.

And then then the Senate adjourned till 3 o'clock this evening.

3 o'clock P. M. The Senate met.

A bill to be entitled an act to secure additional lots for the erection of the state capitol, and provide compensation for the site thereof, was read the first time, and ordered to a second reading to-morrow.

A bill to be entitled an act to establish certain election precincts therein named, was read the third time, amended by way of rider, and passed. *Ordered*, that it be returned to the House of Representatives.

A resolution for the preservation of the public arms of this state, was read the second and third time and passed.

Mr. Gaines called up the bill entitled an act for the relief of Daniel Coleman of Washington. The question was then put, shall the bill pass? and determined in the affirmative. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act to authorize Martha Brandon, adm'x of Josiah K. Brandon, deceased, to sell and convey certain lots in Tuscaloosa, was read the third time and passed. *Ordered*, that it be returned to the House of Representatives.

A bill to be entitled an act to repeal in part and amend an act entitled an act to amend the charter of the Bank of the State of Alabama, was read the second time, and ordered to be engrossed for a third reading to-morrow.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives concur in the amendments made by the Senate to bills entitled an act to raise a revenue for the support of government until otherwise altered by law; and an act to authorize the school commissioners of the 17th township of range 13 to to lease the 16th section in said township.

Joint resolution approving the amendment proposed by the state of Tennessee to the constitution of the United States, was read the second time, and ordered to a third reading to-morrow.

Mr. Bagby offered the following resolutions:

Resolved, as the opinion of this General Assembly, that it is incompatible with that purity of character which ought to distinguish the representatives of a free, intelligent and virtuous people, for the members of either branch of the national legislature to accept of executive appointments during the time for which they have been elected, thereby subjecting themselves to the imputation of intrigue, corruption and bribery.

Resolved, that it is unwise, impolitic, and vitally destructive of the essential rights and interests of the people of the southern states to elevate to the office of president of the United States any individual friendly to the imposition of high tariff duties, or who is in favor of encouraging the labor and industry of one portion of the country at the expense of another.

Resolved, that we disapprove of that spirit of distrust, jealousy and disaffection which has been manifested in different parts of the United States towards the constituted authorities of the federal government, as being calculated to disturb our national harmony, to weaken the bonds of our union, and to diminish the high estimation in which we are held by other nations.

Resolved, that we look upon party spirit as the bane of free government, and of social order; and that the lasting security and ultimate prosperity of the great invaluable political privileges which we have derived from our ancestors depend upon that indissoluble union which alone can render us one people.

Resolved, that these resolutions are not intended to cast injurious imputations upon great and talented men who prefer just claims to their country's favor; but to preserve in their primitive purity those great principles of free government which were consecrated by the labor of the sages, and sealed by the blood of the heroes of the revolution.

Mr. Casey moved that the resolutions lie on the table till the first day of the next session; which was carried—Yeas 12, nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Abercrombie, Ashe, Casey, Crabb, Gaines, Irwin, Jones, M'Camy, Miller, Skinner, Shackelford and Sullivan. Those who voted in the negative are, Mr. President, Bagby, Brown, Jackson, Merriwether and Powell. And then the Senate adjourned till 7 o'clock this evening.

7 o'clock p. m. The Senate met pursuant to adjournment.

Mr. Gaines, from the committee on propositions and grievances to which was referred a resolution of the Senate, reported, a bill to be entitled an act for the relief of William B. Allen; which was read the first time. Mr. Sullivan moved that the rule which requires bills to be read on three several days be dispensed with, and that the bill be read the second time forthwith; which was lost—Yeas 8, Nays 6, a majority of four-fifths being necessary.

The yeas and nays being desired—those who voted in the affirmative are

messrs. Brown, Casey, Gaines, Irwin, McCamy, miller, Shackelford and Sullivan. Those who voted in the negative are mr. President, Ashe, Jackson, Jones, merriwether and Skinner.

mr. Jackson moved that the bill lie on the table; which was lost—Yeas 5, Nays 7.

The yeas and nays being desired—those who voted in the affirmative are mr. President, Ashe, Jackson, Jones and merriwether. Those who voted in the negative are messrs. Brown, Gaines, Irwin, McCamy, miller, Skinner and Sullivan. Ordered, that the bill be read the second time to morrow.

A message from the House of Representatives by mr. Tunstall.

Mr. President—The House of Representatives concur in the amendments by the senate to the bill entitled an act to establish certain election precincts therein named. And then the Senate adjourned till to-morrow morning at 7 o'clock.

Saturday 13th January, 1827.

The Senate met pursuant to adjournment.

Mr. Jackson, from the select committee to which was referred the joint resolutions for ascertaining the sense of the good people of this state in relation to the permanent seat of their government, asked to be discharged from the further consideration thereof; which was agreed to. Ordered, that the resolutions lie on the table.

Mr. Brown, from the committee on accounts and claims, to which was referred the bill entitled an act making appropriations for certain claims against the state, reported the same with sundry amendments; which were concurred in. Mr. Skinner offered an amendment to the bill providing for the payment to Wm. Murrah, jailor of Franklin county, for the sustenance of state prisoners the sum of seventy-two dollars and twenty-two cents; which was rejected. The bill was then read the third time as amended, and passed. Ordered, that the bill and amendments be reported to the House of Representatives.

A bill to be entitled an act to secure additional lots for the erection of the state capitol, and make compensation for the site thereof, was read the second time, amended on Mr. Jackson's motion; and the rule requiring bills to be read on three several days being dispensed with, the bill was read the third time as amended, and passed. Ordered, that it be returned to the House of Reps.

Mr. Sullivan, from the joint committee, appointed to wait on the Governor and inform him that the two Houses of the General Assembly will be ready to adjourn *sine die* this day if he has no further communications to make, reported that the committee have performed the duty assigned them and received for answer from his excellency, that he has no further communications to make.

A message from the House of Representatives by Mr. Tunstall.

mr. President—The House of Representatives have passed a bill which originated in the Senate entitled an act to improve the navigation of Flint river in madison county, and have amended the same in the manner herewith shewn: in which they desire your concurrence. They concur in the report made to the Senate, by its select committee to which was referred the plan of the state capitol, and concur in the plan of said capitol as reported by said committee. They have passed a bill which originated in the House entitled an act to compel plaintiffs to give security for costs in certain cases: in which they desire your concurrence.

mr. Jackson moved that the Senate disagree to the amendment made by the House of Representatives to the bill entitled an act to improve the navigation of Flint river in madison county, by striking out the words "at all times" and inserting the words "during the ordinary stage of water," where the bill reads thus, "and in case such improvement shall be deemed completed, so as to admit the easy ascent and descent *at all times* of boats of ten tons burthen, then the company shall receive toll &c.;" which was carried—Yeas 7, Nays 6.

The yeas and nays being desired—those who voted in the affirmative are mr. President, Brown, Gaines, Jackson, Jones, McCamy, and Shackelford.

Those who voted in the negative are Mr. Ashe, Crabb, merriwether, miller, Skinner, and Sullivan.

Ordered, that the Senate concur in the remainder of the amendments made by the House of Representatives to said bill. Ordered, that the secretary acquaint the House of Representatives therewith.

The plan of the state capitol as adopted by both Houses is as follows.

(OMITTED)

And then the Senate adjourned till 10 o'clock to day.

10 o'clock a. m. The Senate met pursuant to adjournment.

Joint resolution approving the amendments proposed by the state of Tennessee to the constitution of the United States was read the third time and rejected—Yeas 5, Nays 7.

The yeas and nays being desired—those who voted in the affirmative are messrs. Ashe, Jones, Shackelford, Skinner and Sullivan. Those who voted in the negative are Mr. President, Bagby, Brown, Glines, Jackson, merriwether, and Powell.

A message by Mr. Tunstall from the House of Representatives. Mr. President—The House of Representatives have passed a bill which originated in their House entitled an act to exempt the directors of the bank of the state of Alabama from certain public duties: in which they desire your concurrence. The bill was read the first time in the Senate, and the rule requiring bills to be read on three several days being dispensed with, it was read the second and third time forthwith, and passed. Ordered, that it be returned to the House of Representatives.

A message from the Governor by Mr. Thornton. Mr. President—The Governor did on the 12th inst. approve and sign the following bills; an act relative to certain officers in Fayette county; an act for the relief of John McGrew; an act for the relief of James W. Armstrong; an act to authorize the mobile school commissioners to raise a sum of money by lottery; an act to repeal in part an act passed at St. Stephens Feb. 10th 1818, incorporating the St. Stephens steam boat company; an act making it the duty of the comptroller of public accounts to lay before both houses of the General Assembly annually, in the first week of its session a fair expose of the disbursements made from the contingent fund; resolution authorizing the Governor to offer the university lands in Shelby and Bibb counties for sale on the 3d monday in Feb. next; and report & resolutions in relation to the system for the disposal of the public lands and to the unsettled land claims in this state. All of which originated in the Senate.

A bill to be entitled an act to compel plaintiffs to give security for costs in certain cases, was read the first time, and the rule being dispensed with, the bill was read the second and third time, and passed.

Ordered, that the bill entitled an act for the relief of William B. Allen, lie on the table.

Mr. Powell, from the joint committee on enrolled bills, reported as correctly enrolled—an act to establish a road from Elyton to Montevallo: Resolutions, instructing our senators and representatives in Congress, on the subject of authorizing a sale of the sections No. 16, reserved for the use of schools in this state; an act to emancipate certain slaves therein named. Resolutions relative to the militia laws of this state: Resolution authorizing the money of the University now in the treasury, to be vested in state stock, and for other purposes: an act to incorporate the muscle shoals canal company; an act more effectually to protect sheriffs, coroners and constables in the discharge of their duties: Resolutions protesting against the exercise of implied, constructive, and unconstitutional powers on the part of the federal government, and asserting the rights secured to the states respectively by the constitution of the United States: an act to authorize the administrator and administratrix of George Hardwick, dec'd. to sell a certificate for one quarter section of land; and an act the better to relieve insolvent debtors,

and to secure the rights of creditors—an of which were accordingly signed by Mr. President.

Mr. Jackson, from the select committee, to which was referred the report and resolutions in relation to the unsettled accounts between the states of Alabama and Mississippi, reported as a substitute for the report and resolutions, a bill to be entitled, an act authorizing the governor to liquidate and settle the accounts between this state and Mississippi; which was read the first, second, and third time, and passed. Ordered, That the secretary inform the House of Representatives thereof.

A message from the house of representatives by Mr. Tunstall: Mr. President—The house of representatives disagree to the amendments made by the senate to the bill entitled—an act making appropriations for certain claims against the state, by striking out the 6th, 7th, 16th and 17th sections of the bill, and by striking out the allowance to G. C. King. They concur in the remainder of the amendments made by the senate to said bill. They recede from their amendment to the bill entitled, an act to improve the navigation of Flint river, in Madison county. They concur in the amendments made by the senate to the bill entitled, an act to secure additional lots for the erection of the state capitol, and provide compensation for the site thereof. They have read a third time and passed a joint resolution to provide for the safe keeping of the furniture belonging to the state in the state house. Ordered, That the senate adhere to their amendments to the bill entitled, an act making appropriations for certain claims against the state. Ordered, That the secretary acquaint the house of representatives therewith.

Joint resolution to provide for the safe keeping of the furniture belonging to the state in the state house, was read the first and second time, and amended, and read the third time and passed. Ordered, That the secretary inform the house of representatives thereof.

A message from the governor by Mr. Thornton: Mr. President—The Governor did on this day, approve and sign—an act to authorize Abraham Smith and his associates to erect a mill on Coosa river: an act to authorize the Intendant and Town Council of the town of Montgomery, to hold their meetings in the court-house of Montgomery county: an act to incorporate the Mobile marine rail-way and insurance company: an act supplementary to the several acts heretofore passed, granting to Abraham Stout and his associates, the privilege of opening a turnpike road, commencing at or near John Gandy's, in Morgan county, to intersect the old Huntsville road at or near Elyton, in Jefferson county: an act authorizing the administrator of Samuel Greenlee to transfer the certificates to the lands hereinafter mentioned—and, Resolutions instructing our Senators, and requesting our Representatives in Congress, to use their endeavors to procure an equal extension of the national judiciary system to the western and south-western states of the union—all of which originated in the Senate.

A message from the house of representatives by Mr. Tunstall: Mr. President—The House recede from their disagreement to the amendment made by the Senate, to the bill entitled, an act making appropriations for certain claims against the state. They concur in the amendment made by the senate to the report of the select committee, and resolutions in relation to the unsettled accounts between the states of Alabama and Mississippi. They also concur in the amendments made by the senate to the joint resolution to provide for the safe keeping of the furniture belonging to the state in the state house.

Mr. Powell from the committee on enrolled bills, reported as correctly enrolled, an act for the relief of Daniel Coleman; an act to authorize Martha Brandon, adm'x of Josiah K. Brandon, deceased, to sell and convey certain town lots in Tuscaloosa; an act to vest in the county court of Covington county the powers heretofore exercised by the commissioners of said county and for other purposes; an act to prohibit the importation of slaves into this state for sale or hire; an act concerning the 16th section herein mentioned; an act to raise a revenue for the support of government until otherwise altered by law; resolution for the preservation of the public arms in this state; an act to authorize the school

commissioners of the 17th township of range 13 to lease the 16th section in said township; memorial to the congress of the United States on the subject of a donation to the trustees of La Fayette academy in the village of La Grange; an act to establish certain election precincts therein named; an act to amend an act concerning the town of Tuscumbia; an act authorizing the Governor to liquidate and settle the accounts between this state and the state of Mississippi; an act to exempt the directors of the State Bank from certain public duties; an act to compel plaintiffs to give security for costs in certain cases; an act to improve the navigation of Flint river in Madison county; and an act to secure additional lots for the erection of the state capitol, and provide compensation for the site thereof: all of which were accordingly signed by Mr. President.

Mr. Powell, from the committee on enrolled bills, reported as correctly enrolled—joint resolution providing for the safe keeping of the furniture belonging to the state in the state house; and an act making appropriations for certain claims against the state: both of which were accordingly signed by Mr. President.

A message from the Governor by Mr. Thoraton. Mr. President—The Governor did on this day approve and sign, an act to incorporate the muscleshoads canal company; an act to emancipate certain slaves therein named; an act to establish a road from Elyton to Montevallo; resolution authorizing the money of the university now in the treasury to be vested in state stock and for other purposes; resolutions relative to the militia laws of this state; resolutions instructing our senators and representatives in congress on the subject of authorizing a sale of the sections numbered sixteen, reserved for the use of schools in this state; resolutions protesting against the exercise of implied, constructive and unconstitutional powers on the part of the federal government, and asserting the rights secured to the states respectively by the constitution of the United States; and an act to improve the navigation of Flint river in Madison county: all of which originated in the Senate.

A message from the House of Representatives by Mr. Tunstall.

Mr. President—The House of Representatives have adopted the following resolution:—Resolved, that the Senate be informed that the House of Representatives have finished the business before them, and are now ready to adjourn SINE DIE.

Mr. Jackson having been called to the chair—Mr. Shackelford offered the following resolution: Resolved unanimously by the Senate, That they feel deeply impressed with the prompt, decisive and able manner in which the President has discharged the arduous duties of the chair during the present session; and that he is entitled to their thanks for his dignified and impartial deportment whilst presiding over their deliberations: which was unanimously adopted.

The President having resumed the chair, addressed the Senate as follows:

Gentlemen of the Senate—The period having very nearly arrived which is to terminate the labors of the present session of the General Assembly, I beg leave to tender to you my most sincere acknowledgments for the very flattering approbation of my conduct as the presiding officer of this House expressed in the language of the resolution before me. That the duties of the session have been arduous, interesting and highly important, none who have witnessed them can deny. That in the discharge of the various and multiplied duties of the chair, I may have committed errors, none is more free to admit than the individual who now addresses you. But you do me but justice when you say that I have been impartial. In a body in which great latitude of debate is indulged; where questions involving conflicting local interest and feeling were agitated; it was but natural that occasional warmth and temporary excitement should have been felt. But I take great pleasure in testifying that these feelings passed away with the moment that produced them, and were succeeded by that spirit of harmony which I trust will long characterize this body. From the extreme mutability of all the affairs of this life, we may never meet again. In retiring to the bosom of your families, I beg leave to assure you that you carry with you individually my sincere wishes for the continued enjoyment of every earthly blessing. And when your public labors are passing in review before the people, may you receive the cheering plaudit of 'well done! good and faithful servants.'

On motion of Mr. Jones—Resolved, That a message be sent to the House of Representatives, informing them that the Senate having completed the business before them, are ready to adjourn SINE DIE.

On motion of Mr. Crabb—the President adjourned the Senate without day.

NICHOLAS DAVIS,
President of the Senate.

ATTEST,
F. S. LYON, *Secretary of the Senate.*